









CA24N  
YX21  
-S21



Digitized by the Internet Archive  
in 2022 with funding from  
University of Toronto

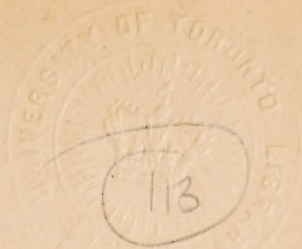






Statutes  
Ont

Ontario. Statutes



438

STATUTES  
OF THE  
PROVINCE OF ONTARIO

PASSED AT THE FIRST SESSION HELD IN THE  
SIXTY-SECOND YEAR OF THE REIGN OF HER MAJESTY  
QUEEN VICTORIA,  
Being the First Session of the Ninth Legislature of Ontario.

BEGUN AND HOLDEN AT TORONTO ON THE THIRD DAY OF AUGUST, IN THE YEAR  
OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND NINETY-EIGHT.

1898/99



54028  
7/4/02

---

HIS HONOUR  
THE HONOURABLE SIR OLIVER MOWAT,  
LIEUTENANT-GOVERNOR.

---

TORONTO:  
PRINTED BY L. K. CAMERON,  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.  
1898.





WARWICK BRO'S & RUTTER, Printers and Bookbinders, 68 and 70 Front W., Toronto.



## TABLE OF CONTENTS.

---

CAP.	PAGE.
1. An Act relating to the Provincial Fisheries.....	5
2. An Act to correct certain Clerical and Typographical Errors in The Revised Statutes of Ontario, 1897.....	7
3. An Act respecting Voters' Lists in certain Cities.....	9
4. An Act to amend the Election Laws.....	11
5. An Act to amend The Municipal Act .....	19
6. An Act to confirm By-law No. 7 for 1898, of the Town of Clinton, and to authorize the issue of Debentures thereunder, and to confirm an Agreement between the said Corporation and firm of W. Doherty & Co.....	21







## 62 VICTORIA (1st Session).

### CHAPTER 1.

#### An Act relating to the Provincial Fisheries.

*Assented to 24th August, 1898.*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

1. *The Ontario Fisheries Act* is hereby amended by adding thereto the following section : Rev. Stat. c. 288, amended.

19a. Fishery leases, licenses or permits may be granted subject to such terms, conditions or limitations as may be contained therein or made part thereof, or as shall be prescribed by Order in Council or by any Act of the Legislature, and the same shall be binding, to all intents and purposes, upon the lessees, licensees or holders of permits or their assigns ; and any such lessee, licensee or holder of a permit or his assigns thereof who contravenes any of the terms, conditions or restrictions thereof, shall forfeit his rights and privileges under such lease, license or permit, and such lease, license or permit may in such case be revoked by the Commissioner, and the lessee, licensee or holder of the permit shall in addition be deemed to have committed a violation of this Act. Leases, licenses and permits.

2. The Lieutenant-Governor in Council may make such provision as he deems necessary for obtaining, receiving and taking over from the Government of the Dominion of Canada or from the Department of Marine and Fisheries all records, archives, documents, books, books of account, applications, correspondence, regulations, Orders in Council, or of any other documents or writing, or copies of any and all of the above in any way relating to the Fisheries of this Province, and for all such purposes connected with the said Fisheries may cause all such searches and examinations to be made as may be found necessary. Taking over Dominion records, documents, books, etc.

Rev. Stat. c.  
288, amended.

3. The said *The Ontario Fisheries Act* is further amended by adding thereto the following section:—

Appointment  
of deputy  
commissioner  
and staff.

41a. The Lieutenant-Governor may, from time to time, appoint a deputy commissioner and such other officers and clerks as may be necessary for the purpose of carrying out the provisions of this Act and the better enforcement of the law and of regulations made by lawful authority, and for enforcing also such terms and conditions and limitations as aforesaid. Such officers and clerks shall be paid out of moneys received under the provisions of this Act, or as may be appropriated by the Legislature.

Rev. Stat c.  
288, s. 62,  
repealed.

4. Section 62 of the said Act is repealed and the following is substituted therefor:

Inconsistent  
enactments  
repealed.

62. All provisions of law inconsistent with this Act are hereby repealed.

Rev. Stat. c.  
288, s. 3 (9),  
and ss. 28, 29,  
31-36 repealed.

5. Sub-section 9 of section 3 and sections 28, 29, 31, 32, 33, 34, 35 and 36 of the said Act are hereby repealed.

Act incorpor-  
ated with Rev.  
Stat c. 288.

6. This Act shall be read with and as part of *The Ontario Fisheries Act*, and the said Act as amended by this Act shall go into force forthwith after the passing of this Act.



## CHAPTER 2.

## An Act to correct certain Clerical and Typographical Errors in the Revised Statutes of Ontario, 1897.

*Assented to 24th August, 1898.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Acts and parts of Acts mentioned in the Schedule to this Act are hereby amended in the manner set forth in the last column of the said Schedule. Acts set out in Schedule amended.

2. The said amendments shall be deemed to have been in force on and from the 31st day of December last. Commencement of Act.

## SCHEDULE.

Act amended.	Section.	Manner in which amended.
(1) An Act respecting Appeals to Her Majesty in Her Privy Council (R.S.O. 1897, c. 48).	Section 4, line 1.	By substituting "Rules" for "Entry."
(2) The Land Titles Act (R.S.O. 1897, c. 138).	Section 169, subsec. 7.	By substituting "1887" for "1897." [See 60 V. c. 21, s. 6.]
(3) The Mechanics and Wage Earners' Lien Act (R.S.O. 1897, c. 153)	Sec. 27, subsec. 2, line 3.	By substituting "lieu" for "lien."
(4) The Ontario Insurance Act (R.S.O. 1897, c. 203)	Section 185, line 8.	By substituting "Chapter 222" for "Chapter 183."
(5) Same Act.	Section 123, line 8.	By substituting "\$1.50" for "\$150."
(6) Same Act.	Section 128, line 7.	By substituting "less than" for the words "not less than."

Act amended.	Section.	Manner in which amended.
(7) The Municipal Act (R.S.O. 1897, c. 223).	Section 290, line 6.	By substituting "Sections 537 and 538" for "Section 538." [See s. 537, (1a).]
(8) Same Act.	Section 375, line 8.	By substituting "or neighbouring" for "neighbouring or."
(9) Same Act.	Section 539, clause 3, line 11.	By substituting "four" for "five:" [See s. 384 (8).]
(10) Same Act.	Section 542, clause 15, lines 6 and 7.	By substituting "The Act for the prevention of Accidents by Fire in Hotels and other like Buildings" for "The Liquor License Act."
(11) Same Act.	Section 545, clause 3, lines 6 and 7.	By striking out "and the Ditches and Watercourses Act."
(12) Same Act.	Section 554, line 4.	By inserting "townships" after "towns."
(13) Same Act.	Section 583, clause 15, line 4.	By substituting "clauses 2 and 14" for "clause 14."
(14) Same Act.	Section 583, clause 16, line 2.	By inserting after the word "but" the following, "in cities having a population of 100,000 or over"
(15) Same Act.	Section 700, line 5.	By substituting "municipality" for "city." [See 57 V. c. 50, s. 17.]
(16) Same Act.	Section 637, clause 3.	By striking out "or" at the beginning of the second line and inserting "or" between the words "bridges" and "other" in the same line.
(17) The Assessment Act (R.S.O. c. 224).	Section 158.	By substituting the figures "173" for the figures "170" in the 8th line.



## CHAPTER 3.

## An Act respecting Voters' Lists in certain Cities.

*Assented to 24th August, 1898.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The following provisions of this Act shall apply and be in force until the 1st day of January, 1899, in every city to which part 2 of *The Ontario Voters' Lists Act* does not apply, and the council of which shall by by-law declare this Act in force therein; but this Act shall not apply to the City of Toronto.

Application  
and duration  
of Act,  
Rev. Stat.,  
c. 7.

2.—(1.) Immediately after the return by the assessor of the assessment roll to the clerk, and without waiting for the revision and correction thereof by the Court of Revision or the Judge, the clerk shall make out a correct alphabetical list of all persons appearing by the assessment roll to be entitled to be voters in the city, prefixing to the name of each person his number upon the said roll as heretofore; and shall within forty days after receiving the assessment roll cause two hundred copies of the said list to be printed in pamphlet form, and the clerk besides delivering or transmitting the copies mentioned in that behalf in *The Ontario Voters' Lists Act* shall deliver one copy to the Assessment Commissioner.

Clerk of city  
may make up  
list without  
waiting for  
revision of  
roll.

Rev. Stat.,  
c. 7.

(2.) A larger number of copies may be printed if the city council, by resolution or otherwise, so decide or authorize.

3. The alphabetical list made by the clerk on receiving the assessor's roll shall be deemed the list of voters which is subject to revision by the County Judge, under section 13 of *The Ontario Voters' Lists Act*, and the provisions of that Act which have reference to the alphabetical list therein mentioned shall apply to the lists provided for by this Act.

List to be  
deemed voters  
list for revision  
by county  
judge.

Time for  
appeal to  
judge.

4. The time for giving notice of any complaint to be made to the judge under section 13 of *The Ontario Voters' Lists Act* shall be thirty days after the clerk has posted up the said list in his office.

Proclamation  
that Act is in  
force.

5. The council of any city which shall by by-law declare this Act to be in force shall cause the said by-law and this Act to be published at least once a week, for four successive weeks, in each of two newspapers published in the municipality; and the mayor of the city shall, within one week after the passing of the by-law, issue a proclamation of the passing thereof, which shall set out the provisions of this Act and give notice that the same is in force in the municipality, and such proclamation shall be posted up in at least twenty conspicuous places in each ward in the city.



## CHAPTER 4.

## An Act respecting the Election Laws.

*Assented to 24th August, 1898.*

**W**HEREAS a question has been raised since the last general election as to the legal right of any electors to vote who have been appointed or required by returning officers or deputy returning officers to act or who have acted as constables or special constables at elections or on polling day, as well as of persons who have performed other services or furnished necessary things for the purpose of enabling returning officers to carry out the requirements of *The Ontario Election Act*; and whereas numerous petitions have been filed complaining of the undue election or return of certain members at the said general election in and by which the said question is or may be raised and in which it is or may be claimed that such votes are unlawful; and whereas electors so acting have always exercised the right to vote at elections for the Legislative Assembly, and such right has not hitherto been questioned in any proceedings; and whereas in order to obtain a speedy decision on the said point and to save unnecessary expense and trouble in litigation, it is expedient that provision be made for the disposal of the said question by the court before the parties are obliged to take further proceedings in connection with petitions in or under which such question is or may be raised; and whereas for the purpose of obtaining a decision on the said point certain questions were submitted to the Court of Appeal by Order in Council of the 10th day of June, 1898, for the opinion of the Court under chapter 84 of the Revised Statutes of 1897; and whereas it is expedient that other questions should be substituted for those so submitted as aforesaid;—

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The questions set out in Schedule "A" to this Act are hereby referred to the Court of Appeal for hearing and consideration Questions to submitted Court of Appeal.

sideration, and shall whether in or out of vacation be forthwith set down for hearing and shall be heard on the earliest day possible after the giving of the notice herein prescribed at the first ordinary sittings hereafter of the Court of Appeal, or at any earlier special sittings which may be held for the purpose, and the Registrar of the said Court shall give notice thereof by registered letter mailed at least six clear days before the said hearing to the solicitors by whom election petitions have been filed or to their Toronto agents. The hearing shall be prosecuted with all convenient speed and shall take precedence over all other business; and the Court shall hear argument thereon by such counsel as may desire to be heard, but in case more than three counsel appear at the hearing to support their view of the question before the Court the Court shall have a discretion to direct which and how many of the counsel so appearing shall be heard, and in case counsel on one side only appears, the case shall be heard and disposed of on hearing such counsel only and judgment shall be given at as early a date as practicable after the argument. The decision of the Court of Appeal on the said questions shall be final and shall not be subject to any appeal to Her Majesty in Her Privy Council by virtue of Her prerogative or otherwise, and shall at or upon the trial of any of the aforesaid election petitions, have the same effect as a final judgment of the said Court in a litigated cause, and shall be binding on the said Court and on all other courts and judges upon the trial of any election petition or upon any appeal from the decision of the trial judges, or in any other proceeding had or taken under or by reason of an election petition.

Postponement  
of trial until  
after questions  
answered by  
Court of  
Appeal.

2—(1) In case it appears from the petition or the particulars or otherwise that the right to vote of any of the persons who have voted and who may be included in any of the classes of persons whose right to vote is the subject of the said questions, will or may be brought in question upon any of the grounds or for any of the reasons referred to in the questions in said Schedule (where no undertaking has been given as is provided by the next sub section), the trial shall not be proceeded with, but shall be stayed until after the decision of the Court of Appeal upon the said questions, and in case of any trial coming on in which the said question is or shall be raised, the trial shall not be further proceeded with but shall be postponed until after the giving of such decision; or by consent of all parties the trial may be proceeded with to its conclusion, and in such case judgment shall be postponed until after the decision of the Court of Appeal.

Proceeding  
with trial of  
petition on  
undertaking  
not to raise  
question.

(2) Notwithstanding anything in the next preceding subsection contained and notwithstanding any such stay, the trial of any petition may be proceeded with if an undertaking is entered into by the petitioner or his solicitor in the following form, and if the same shall be delivered to the opposite party with the particulars :



## FORM OF UNDERTAKING.

*Style of Cause.*

"I, \_\_\_\_\_ the petitioner hereby undertake that upon the trial of the petition in this matter, or in any proceedings in connection therewith, the vote of any person who may be included in any of the classes of persons whose right to vote is the subject of any of the questions in Schedule 'A,' to *The Act respecting the Election Laws* passed in 1898, will not be questioned or objected to upon any of the grounds or for any of the reasons in any of the said questions referred to."

In such case no such objection shall thereafter be raised or taken to any of such votes upon any of the grounds or for any of the reasons aforesaid, and the undertaking shall be binding and shall be given effect to by the Court upon the trial and in all proceedings thereafter.

3. Section 48 of *The Ontario Controverted Elections Act* is amended by adding thereto the following words: "Provided that if a session of the Legislature shall have commenced and shall have been adjourned, then the trial may be proceeded with during the period of adjournment after the expiration of fifteen days from the day of adjournment, or with the consent of all parties at any time during the period of adjournment, and for the purposes of this section the period of adjournment shall not be reckoned as part of a session." This section shall remain in force only until the end of the present session, and shall apply to pending petitions.

Rev. Stat. c. 11, s. 48, amended.  
Proceeding with trials during adjournment of Assembly.  
Pending petitions.

4. To remove doubts, section 6 of *The Ontario Election Act* is amended by adding thereto the following two sub-sections:—

Rev. Stat. c. 9, s. 6, amended.

(4) No peace officer, constable, or special constable summoned, appointed, employed, sworn in, or required to assist and aid or assisting or aiding or acting as such officer or constable in the maintenance of peace and good order at an election or polling shall by reason of his being so summoned, appointed, employed, or sworn in, or of such services or of the receipt or expectation of the fees or compensation therefor allowed by this Act and payable out of public moneys be disqualified or rendered incompetent to vote; but nothing in this Act shall authorize the payment of more than two such persons or constables so appointed or employed by a returning officer, nor of more than one by any one deputy returning officer as heretofore; nor shall anything in this section contained deprive of the right to vote, (1) persons otherwise entitled to vote who perform services or supply to a returning officer in the ordinary course any things necessary for the purpose of enabling the returning officer to carry out the requirements of *The Ontario Election Act*; nor (2) persons otherwise entitled to vote who have rented or supplied rooms or places or whose place or rooms have been taken for use for

Constables and persons furnishing supplies to election officers, etc. not disqualified.

nomination meetings or as polling booths ; nor shall any of such persons be deprived of their right to vote by reason merely that they have received or expect to receive out of public moneys the payment allowed by law, or reasonable or ordinary payment where the same is not fixed by law.

Constables,  
etc. who have  
heretofore  
voted relieved  
from  
penalties,

(5) No person and no member of any of the classes of persons whose right to vote is the subject of any of the questions set out in Schedule "A" who has heretofore voted at an election of a member to serve in the Legislative Assembly shall be deemed or held to have incurred any of the penalties imposed by this Act by reason only of his having so voted notwithstanding his having received or of his expecting to receive the lawful fees or other compensation authorized or allowed by *The Election Act* to be paid out of public moneys for or in respect of services rendered or accommodation or supplies or things furnished by him as aforesaid.

Oath of  
voters.

5. Any elector upon taking the election oath may have substituted for article 8 in the oath to be administered to voters as provided by Forms 16, 17, 18 and 19, and article 9, as provided by Form 20 of Schedule "A" of *The Ontario Election Act*, the following article :

"That you have not received anything, nor has anything been promised you, either directly or indirectly, to induce you to vote or refrain from voting at this election. That you have not received nor do you expect to receive anything for loss of time, travelling expenses, hire of teams, or any other service connected with such election, except what has been *bona fide* earned by you and may be lawfully paid to you under *The Ontario Election Act* by or through the Returning Officer or Deputy-Returning Officer or other proper public officer out of the public moneys without the committal of a corrupt or illegal act, or except also what has been *bona fide* earned by you and has been or may be lawfully paid and received by you by or on behalf of the candidate by virtue of the provisions of subsection 4 of section 197 of *The Ontario Election Act*, or otherwise as provided or permitted by said Act, and notwithstanding the receipt or expectation of which you are entitled by law to vote.

Amendments  
not to imply  
a different  
state of the  
law.

6. Nothing in the preceding sections nor in any other part of this Act shall be held to imply that the law is different or was considered by the Legislature to have been different from the law as it is by any of the preceding sections of this Act enacted or declared.

Rev. Stat.  
c. 11, s. 55,  
amended.

Certificate of  
trial judge.

7. Section 55 of *The Ontario Controverted Elections Act* is hereby amended by inserting therein after the word "and" in the fourth line of the said section the words following :—"Except in the case of an appeal as hereinafter provided," and by striking out the words "subject only to the appeal hereinafter mentioned" at the end of the said section.

Certificate for  
Court of  
Appeal.

8. If an appeal as provided by *The Ontario Controverted Elections Act* is made to the Court of Appeal from any decision

giving



given in an election trial the judges trying the petition shall make the certificates and reports in the said Act mentioned to the Court of Appeal and the same shall form part of the record of the said matter before the Court upon such appeal.

9. The judge or judges trying the petition shall not certify his or their determination of the case to the Speaker or to the Court of Appeal as the case may be until after the security for costs of appeal has been deposited or until the time limited by section 66 of *The Ontario Controverted Elections Act* for depositing such security has expired.

Certificate not to be issued during time for appealing.

10—(1) Sub-section 1 of section 56 of *The Ontario Controverted Elections Act* is amended by striking out all of the words in said sub-section after the words "upon the case" where they appear in the 13th line of said sub-section.

Rev. Stat., c. 11, s. 56, amended.

(2) Sub-section 2 of said section 56 is amended by striking out the words "to the Speaker or Clerk" in the 7th line thereof.

11. The following section is substituted for section 63 of *The Ontario Controverted Elections Act*:

Rev. Stat c. 11, s. 63, repealed.

63. In case the Judge or Judges trying an election petition shall decide that the election or return was void, or that some other person was elected or is entitled to the seat, where there is an appeal from the decision neither the member returned or such other person shall be entitled to take the seat or vote in the Legislative Assembly until such appeal shall be disposed of, and the certificate of the Court shall be received by the Speaker, or by the Clerk where there is no Speaker.

If election set aside and appeal entered.

12. Section 73 of the said *The Ontario Controverted Elections Act* is hereby amended by inserting therein after the word "done" in the eighth line of the said section the words following: "and in the said certificates shall certify as to the matters and things as to which the trial judges would but for such appeal have been required to report to the Speaker, whether the same are confirmed, annulled, changed, or left unaffected by such decision of the court."

Rev. Stat. c. 11, s. 73 amended.

Certificate from Court of Appeal.

13. If a member is unseated as a result of the trial of any of the aforesaid petitions by reason of the disallowance of the vote of any person included in any of the classes of persons whose right to vote is the subject of any of the questions set out in Schedule "A", or partly by reason thereof and partly for some other reason, the seat shall not be given to any candidate by the trial judges or on appeal, but the election shall be declared void and thereafter a new election shall be held as in other cases, anything in the Election laws to the contrary notwithstanding; but nothing in this section shall prevent an appeal from the trial judges to the Court of Appeal.

In certain cases new election to be ordered and seat not to be given to claimant.

Pending petitions to be tried by two judges.

**14.** Notwithstanding anything in *The Ontario Controverted Elections Act* contained any election petition pending at the time of the passing of this Act shall be tried by two judges on the rota sitting together and in case of a scrutiny of votes such scrutiny shall be held before two judges

Rev. Stat. c. 11, ss. 78, 80, 85 repealed; s. 79 amended.

(2) "Sections 78, 80, 81, 82, 83, 84 and 85 of *The Ontario Controverted Elections Act* are hereby repealed, and section 79 of the said Act is amended by striking out the words "Where the scrutiny is entered into before the Judge in person" occurring in the first and second lines of the said section.

Rev. Stat. c. 11, s. 66 amended.

**15.** Section 66 of *The Ontario Controverted Elections Act* is amended by adding thereto the following subsection:—

Appeals to have precedence of other business.

(2) The appeal shall be given precedence over all ordinary cases, but the Court, where it deems fit to do so, may for sufficient cause postpone the hearing.

Act not to prevent the striking off of corrupt votes, etc.

**16.** Nothing in this Act contained shall upon the trial of any of said election petitions prevent the vote of any person from being struck off for corrupt practices or otherwise dealt with as by *The Ontario Election Act* is provided, but in the case of persons belonging to any of the classes of persons whose right to vote is the subject of the questions set out in Schedule "A," the mere facts of having voted and of having received or of expecting to receive their fee or compensation from public moneys under *The Election Act* for the services, rooms or things referred to in the said questions shall not be deemed a corrupt practice, although the court should hold that they were not entitled to vote nor in such case shall such persons be deemed to have voted knowing that they had not a right to vote.

"Public moneys," meaning of.

**17.** The words "public moneys" where used in this Act shall include the moneys of the Province or of a Municipality.

Distribution of political literature.

**18.** The distribution by a candidate or his agent of political pamphlets or other political literature which relates to matters of public interest in relation to the election, or the sending or causing to be sent to electors by a candidate or his agent, newspapers containing political articles, reports of political meetings or other matters of public interest during such election or for a reasonable time prior thereto, are not and never have been corrupt or illegal acts or otherwise in contravention of *The Election Act* or of any other law.

Rev. Stat. c. 9.

Application of certain sections to pending petitions.

**19.** The several provisions aforesaid contained in the sections numbered from 7 to 17, both inclusive, shall apply to all petitions filed under the provisions of *The Ontario Controverted Elections Act*, which shall be pending at the time of the passing of this Act.

20. No person is ineligible or shall be deemed to have been ineligible to be a member of the Legislative Assembly by reason of his being or having heretofore been the holder of a fishery license, or having any contract or agreement with Her Majesty or with any public officer or department with respect to the same or to fisheries or fishing rights; nor is any person ineligible or to be deemed ineligible as aforesaid by reason of his being or having been a shareholder or stockholder in a company having any such contract or agreement as aforesaid; but no such licensee or person interested as aforesaid shall vote on any question affecting such license or in which he is interested by reason of such license; and this section shall be read with and as part of *The Act respecting the Legislative Assembly*. Fishery licenses not disqualified.  
Rev. Stat. c. 12.

21. This Act, save and except section 20 thereof, shall be incorporated with and be read as part of *The Ontario Election Act* and *The Ontario Controverted Elections Act*. Act to be incorporated with Rev. Stat. cc. 9, 11.

## SCHEDULE.

### QUESTIONS STATED FOR THE OPINION OF THE COURT OF APPEAL.

1. Does section 6 or any other part of *The Ontario Election Act* or anything in the schedules thereto, or in any other law, disqualify or disentitle or render incompetent or deprive of the right to vote at the election of a member of the Legislative Assembly any peace officer, constable, or special constable summoned, appointed, employed, sworn in, or required to assist and aid, or assisting or aiding or acting as such peace officer or constable, in the maintenance of peace and good order at such election or the polling in connection therewith, by the returning officer or deputy returning officer in accordance with *The Ontario Election Act* by reason of being so summoned, appointed, employed, or sworn in, or by reason of such services or of the receipt or expectation of the fees or compensation therefor authorized or allowed to be paid by the said *Ontario Election Act* out of public moneys, provided that such person is entered on the voters' list as entitled to vote and is otherwise duly qualified and entitled to vote at such election?

2. Does the said section 6 or any other part of the said *Ontario Election Act*, or anything in the schedules thereto, or in any other law, disqualify or disentitle or render incompetent or deprive of the right to vote at the election of a member of the Legislative Assembly persons who perform services or supply to a returning officer in the ordinary course such things as are necessary for the purpose of enabling the returning officer to carry out the requirements of *The Ontario Election Act* or any of such persons by reason only that they have performed such service or supplied such things, and that they have received or expect to receive out of public moneys the payment thereof allowed by law, or reasonable or ordinary payments where the same is not fixed by law, provided that such persons are entered on the voters' list as entitled to vote and are otherwise duly qualified and entitled to vote at such election?



3. Does the said section 6 or any other part of the *Ontario Election Act* or anything in the schedules thereto, or in any other law, disqualify or disentitle or render incompetent or deprive of the right to vote at the election of a member of the Legislative Assembly persons who have let or supplied rooms or places or whose rooms have been taken for use at the nomination meeting or as polling booths by reason only that they have let or supplied such rooms or places or that they have been taken to be used as aforesaid, and that they have received or expect to receive out of public or municipal moneys the payment allowed by law or reasonable or ordinary payment where the same is not fixed by law, provided that such persons are entered on the voters' list as entitled to vote and are otherwise duly qualified and entitled to vote at such election?

## CHAPTER 5.

## An Act to amend The Municipal Act.

*Assented to 24th August, 1898.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. In the case of any river, stream or creek flowing through or in the neighborhood of a municipality, the municipal corporation thereof for the purpose of preventing damage to property within the municipality by floods arising from the overflowing or damming back of such river, stream or creek, may acquire by purchase, lease or otherwise land in such municipality or in any adjoining or neighboring municipality, and may construct such works thereon, or perform such work in respect thereof as they may deem necessary, and may also for the purpose aforesaid deepen, widen, straighten or otherwise improve such river, stream or creek upon the land so acquired, or remove therefrom islands, rocks or other natural obstructions to the free flow of the water in such river, stream or creek; and may expend such moneys for all such purposes as may lawfully be appropriated therefor by the municipality, or may make such contracts in respect thereof as in the opinion of the council may be necessary for the purposes aforesaid; and the council of any municipality may from time to time pass by-laws for any or all of the said purposes, in the manner provided by *The Municipal Act* as to the passing of by-laws.

Works for prevention of damage by flooding.

Rev. Stat. c. 223.

2. In case other lands than those so acquired are injuriously affected by any works undertaken under this section the owners or occupiers, or other persons interested in such lands shall be entitled to compensation and sections 437 to 447 of *The Municipal Act* shall apply thereto.

Compensation for lands injured.

Rev. Stat. c. 223.

Taking lands  
for roads into  
Provincial  
parks.

Rev. Stat.  
c. 37.

3. For the purpose of obtaining better access to any lands which have been heretofore or may hereafter be set apart as a public park for the benefit, advantage and enjoyment of the people of the Province the Minister having the control and management of the said parks and other places shall have all the powers with regard to the taking of land which are conferred on the Commissioner of Public Works under *The Act respecting the Public Works of Ontario*, but in cases in which it becomes necessary to determine the value of any land by arbitration the county judge of the county in which the lands taken are situated shall act instead of the official arbitrators named in the said Act and while so acting he shall have all the powers which are conferred upon the said official arbitrators.

---



## CHAPTER 6.

An Act to confirm By-law No. 7 for 1898, of the Town of Clinton, and to authorize the issue of Debentures thereunder, and to confirm an Agreement made between the said Corporation and the Firm of W. Doherty & Co.

*Assented to 24th August, 1898.*

**W**HEREAS the Corporation of the Town of Clinton have Preamble.  
by their petition prayed that an Act may be passed to ratify, confirm, legalize and declare valid a By-law of the Corporation of the Town of Clinton, passed on the 16th day of March, 1898, after the same had been duly approved and assented to by the ratepayers of the said Town of Clinton, who were entitled to vote thereon, intituled By-law No. 7 for 1898, "A By-law to raise by way of loan the sum of twenty-five thousand dollars for the purpose hereinafter mentioned," a copy of which By-law is contained in Schedule A to this Act; also to ratify, confirm and legalize an Agreement made and entered into on the seventh day of June, A.D. 1898, between the said Corporation of the Town of Clinton and the firm of W. Doherty & Co., a copy of which said Agreement is contained in Schedule B to this Act; and whereas in pursuance of the said Agreement, upon the faith of the fulfilment thereof, on the part of the said Corporation, and as the result of the said By-law and Agreement, the said firm of W. Doherty & Co. have proceeded to erect and have completed in the said Town the various buildings and erections as in the said Agreement set forth; and whereas the said Corporation have represented that it would be advantageous to the same and in accordance with good faith, justice and right, that the said By-law and Agreement should be confirmed and authority granted to issue debentures as in the said by-law provided; and whereas it is expedient that the prayer of the said petition should be granted;

Therefore,

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law confirmed.

1. The said By-law, number 7 for 1898, of the Corporation of the Town of Clinton, intituled as in the preamble to this Act recited, and which said by-law is set out in Schedule A to this Act is hereby ratified and confirmed and declared to be legal, valid and binding to all intents and purposes, and the debentures to be issued under the said By-law shall be, and the same are hereby declared to be valid, legal and binding upon the Corporation of the said Town of Clinton and the ratepayers thereof notwithstanding anything contained in any Act to the contrary.

Agreement confirmed.

2. The said Agreement bearing date the 7th day of June, A.D. 1898, made between the said Corporation of the Town of Clinton and the firm of W. Doherty & Co., which is set forth in Schedule B to this Act is hereby ratified and confirmed and declared to be legal, valid and binding to all intents and purposes upon the parties thereto.

## SCHEDULE A.

### BY-LAW No. 7 FOR 1898.

*A By-law to raise by way of Loan the sum of Twenty-Five Thousand Dollars for the purpose hereinafter mentioned.*

Whereas the Organ Factory in the Town of Clinton, of the firm of William Doherty & Co., together with all the machinery, plant, stock, both in process of manufacture and stored, and the residence and stables of William Doherty, the head of the firm, were on the First Day of February, 1898, completely destroyed by fire. And,

Whereas, the loss incurred by the said firm is estimated to be one hundred thousand dollars, whilst there is only an insurance of forty thousand dollars. And,

Whereas there were employed in the said factory at the time of the fire between one hundred and twenty-five and one hundred and thirty hands, seventy of whom are heads of families in the Town, and the loss to them in the event of the non-erection of the factory in the Town would be very serious. And,

Whereas, in the event of the firm not re-erecting their factory in the Town, the loss to the citizens and to the Corporation through depreciation in the values of property, in business, and by removal of many of its inhabitants would be disastrous. And,

Whereas it is desirable that this Corporation should grant aid to the said firm to assist them in the re-erection of their works in Clinton. And,

Whereas,

Whereas, it is proposed to grant such aid by way of a loan to the said firm of Twenty-five Thousand Dollars for twenty years without interest upon such security and terms as the Council of the said Corporation may hereafter require and to issue Debentures to raise the said amount of Twenty-Five Thousand Dollars, such Debentures to be payable on the First day of April 1918, with interest thereon at the rate of Four per cent. per annum, payable yearly according to the Coupons to the said Debentures attached. And,

Whereas, for the payment of the said Debentures and of the interest to become due thereon it will require the sum of One Thousand Dollars to be raised annually for the payment of the said interest and the further sum of \$930.40 to be raised annually as principal for the payment of the said Debentures. And,

Whereas, the amount of the whole rateable property of the said Corporation irrespective of any future increase of the same and irrespective of any income in the nature of tolls, interest, dividends, rents, or fees from the said property and also irrespective of any income to be derived from the temporary investment of the Sinking Fund hereinafter mentioned, or any part thereof, according to the last revised Assessment Roll of the said Corporation, being for the year One Thousand and Eight Hundred and Ninety-Seven was Five Hundred and Eighty-One Thousand, One Hundred and Seventy Dollars. And,

Whereas, the existing Debenture debt of this Municipality amounts to Twenty-Nine Thousand Five Hundred Dollars and no Principal or interest is in arrears.

Therefore the Municipal Council of the Corporation of the Town of Clinton enacts as follows:—

1. It shall be lawful for the Mayor of the said Town for the purpose aforesaid to borrow the said sum of twenty-five thousand dollars and to issue debentures of the said Municipality to the amount of twenty-five thousand dollars in sums of not less than one hundred dollars each, payable at the end of twenty years from the date on which this by-law takes effect and to bear interest at a rate not exceeding four per cent. per annum, payable yearly on the first day of April in each and every year during the currency of the said debentures.

2. The said debentures as to principal and interest shall be payable at the office of the Treasurer of the said Municipality.

3. It shall be lawful for the Mayor of the said Municipality and he is hereby authorized and instructed to sign and issue the said debentures hereby authorized to be issued, and to cause the same and the interest coupons attached thereto to be signed by the Treasurer of the said Municipality, and the Clerk of the said Municipality is hereby authorized and instructed to attach the seal of the said Municipality to the said debentures.

4. There shall be raised and levied in each year by special rate on all the rateable property in the said Municipality a sum sufficient to discharge the said interest, namely, the sum of one thousand dollars, and a further sum sufficient to provide for the said sinking fund, namely, the sum of nine hundred and thirty dollars and forty cents.

5. This by-law shall take effect on the first day of April, A.D. 1898.

6. The votes of the ratepayers of the said municipality shall be taken on this by-law at the following times and places, that is to say, on Monday the Fourteenth day of March next, at the hour of nine o'clock in the forenoon, and continuing until five o'clock in the afternoon of the same day:—

St. Andrew's Ward, at the town hall, Walter H. Manning, deputy returning officer.

St.



St. James' Ward, at John Stewart's basket factory, T. D. Johnston, deputy returning officer.

St. John's Ward, at Frederick Rumball's carriage factory, Huron street, Thos. Cottle, deputy returning officer.

St. George's Ward, at John Leslie's carriage factory, Huron street, S. J. Andrews, deputy returning officer.

7. On Monday the Seventh day of March the Mayor shall attend at the Council Chamber at Ten o'clock to appoint persons to attend at the various polling places and at the final summing up of the votes by the Clerk respectively on behalf of the persons interested in and promoting or opposing the passing of this by-law.

8. The Clerk of the council of the said municipality shall attend at the Town Hall in the said Town of Clinton at Ten o'clock in the forenoon of Tuesday the Fifteenth day of March, 1898, and sum up the number of votes given for and against the by-law.

Dated at the Town of Clinton this Seventh day of February, A.D. 1898.

{ L.S. }

(Sgd.) ROBERT HOLMES,  
Mayor.  
(Sgd.) WILLIAM COATS,  
Clerk.

#### SCHEDULE B.

Agreement made and entered into this seventh day of June, A.D. 1898.

Between the Corporation of the Town of Clinton (hereinafter called the "Corporation"), of the first part, and William Doherty of the Town of Clinton, trading under the name and style of firm of W. Doherty & Co. (hereinafter called the "said firm") of the second part.

Whereas, the factory for the manufacture of organs of the said firm in the said town has been destroyed by fire, and they have, in consideration of the loan hereinafter mentioned, proposed to rebuild in the said town.

And whereas the said Corporation has proposed to assist the said firm in the erection and carrying on of their factory and business aforesaid by means of a loan of twenty thousand dollars without interest for twenty years, to be raised by the issue of debentures of the said Corporation.

These presents, therefore, witness that the parties hereto covenant and agree with each other as follows :

1. The said corporation hereby agrees to apply for and to take all proper steps at the next sitting of the Ontario Legislature, and use every endeavor to procure the necessary legislation to confirm By-law No. 7 for 1898 of the said Corporation, passed to raise by loan the sum of \$25,000 for the purpose therein and hereinbefore mentioned.

2. And immediately upon the passage of an Act confirming the said By-law to issue such debenture or debentures of the said Corporation under the authority of the said By-law and Act so as to realize twenty-five thousand dollars lawful money of Canada, and to advance the said sum, by way of a loan, to the said firm for a period of twenty years from the date of the advance without interest, and that the said Corporation shall and will at any time during the said term accept repayment of the whole or any part of the said loan.

The

The said firm hereby covenants and agrees with the said Corporation as follows :

1. That they shall repay to the said corporation the said loan at or before the expiration of twenty years from the date when the loan shall have been advanced to them.

2. That they shall not carry on manufacturing operations during the said term elsewhere than at the said town of Clinton, and their main business office shall also be located in the said town.

3. The said firm shall forthwith after the execution of these presents proceed to erect and complete upon the following lands selected, and to be the property of the party of the second part, being all and singular those certain parcels or tracts of land situate, lying and being in the town of Clinton, in the county of Huron, and being composed of lots numbers thirty-two, thirty-three, thirty-four, thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty, forty-one, forty-two, forty-nine, fifty, fifty-one, fifty-two, fifty-three and fifty-four in Bowden's survey of the said town of Clinton, together with the pond and well situate upon lot number nineteen in the said Bowden's survey, the piping connecting the same with the factory of the said William Doherty & Co., and all the appurtenances and the privileges connected therewith, the following buildings and erections, viz :—

One building about 50 x 200, two stories.

One building about 50 x 275, two stories.

One building about 30 x 30, one story, for engine room.

One building about 31 x 106, one story, for dry kiln.

One building about 30 x 55, one story, for boiler room.

All of the said buildings to have brick walls and to be practically fire-proof. The building 50 x 275 to have a fire-wall through the centre thereof.

4. That they shall have the said buildings properly furnished and provided with necessary machinery and plant, and in full running order within six months from the date hereof, and of sufficient capacity for the manufacture and completion of five hundred organs per month.

5. That they will, during the whole of the said term, maintain or carry on in the said town such factory or a similar one having such or similar capacity.

6. That they shall during the whole of the said term, after the first six months employ and keep employed in their said factory an average of not less than one hundred employees.

7. That they shall within three months, and thence during the whole of the said term, insure and keep insured in well established insurance companies their said factory, buildings, plant and stock, for a sum not less than fifty thousand dollars, and shall permit the policies to be inspected from time to time by the mayor or other head of the said corporation.

8. That they shall not during the currency of the said loan, mortgage or otherwise encumber the said land, buildings, plant or machinery.

9. It is hereby further understood and agreed on the part of the said firm, and this agreement is entered into by the said corporation upon the express understanding and agreement, that in the event of a sale or an encumbrance of the said land, factory or plant to be erected and maintained as aforesaid, or of the removal of the business of the said firm from the said town, or of the permanent closing down of the said works for any cause whatever, or if the said party of the second part shall fail for a continuous period of six months to employ in the said works an average of one hundred employees, except in case of destruction of the said works

by a further fire ; [in which case the period of eight months shall be permitted and allowed to rebuild and restore the said works], then and in every such event the said loan shall immediately become due and payable, and the said loan or such sum as may then be due and unpaid on account thereof, shall from the time of such default be a first lien upon the said land and premises and appurtenances hereinbefore set forth in paragraph three.

10. The heirs, executors, administrators and assigns of the member or members of the said firm, and every of them shall be bound by this agreement.

In witness whereof the parties have hereto set their hands and seals.

Signed, sealed and delivered in the presence of	(Sgd.)	ROBT. HOLMES, Mayor.
(Sgd.) JAMES SCOTT.	(Sgd.)	WILLIAM COATS, Clerk.

{ L.S. }	(Sgd.)	WILLIAM DOHERTY.
----------	--------	------------------



# TABLE

SHEWING

REVISED STATUTES AND SUBSEQUENT ACTS AMENDED  
BY ACTS OF 62 VICTORIA (1ST SESSION).

Acts repealed or amended.	Subject matter.	How affected.	Chapter of 62 Vict. (1).
Rev. Stat. c. 8..	Voters' Lists .....	Amended ...	3
" c. 9..	Elections .....	Amended ...	4
" c. 11..	Controverted Elections .....	Amended ...	4
" c. 12..	Legislative Assembly .....	Amended ...	4
" c. 48..	Appeals to Privy Council .....	Amended ...	2
" c. 138..	Land Titles .....	Amended ...	2
" c. 153..	Mechanics' and Wage Earners' Liens .....	Amended ...	2
" c. 203..	Insurance .....	Amended ...	2
" c. 223..	Municipal Institutions .....	Amended ...	2, 5
" c. 224..	Assessment .....	Amended ...	2
" c. 288..	Fisheries .....	Amended ...	1



# INDEX

TO

## ACTS OF THE PROVINCE OF ONTARIO

FIRST SESSION, NINTH LEGISLATURE, 62 VICTORIA (1), 1898.

APPEALS TO PRIVY COUNCIL,	
correction of clerical error respecting.....	7
ASSESSMENT,	
correction of clerical errors respecting .....	8
CLINTON, TOWN OF,	
by-law No. 7, 1898, and agreement to aid Doherty & Son, confirmed....	21
CONSTABLES,	
right to vote at elections. <i>See</i> ELECTIONS.....	11
CONTROVERTED ELECTIONS,	
<i>See</i> ELECTIONS .....	11
DOHERTY, W. & CO ,	
by-law No 7, 1898, of Town of Clinton, and agreement, confirmed.....	21
ELECTIONS,	
submitting questions as to constab'les and others to Court of Appeal ....	11
postponement of trials.....	12
proceeding with trials on undertaking.....	12
trial of petitions during adjournment of Assembly .....	13
constables and others, right to vote .....	13
alternative clause in voter's oath.....	14
certificate as to result of election trials .....	14, 15
seat not to be given to candidate counted on in certain cases.....	15
scrutiny to be held before judges .....	16
precedence of appeals over other business.....	16
distribution of political literature not a corrupt act.....	16
pending petitions .....	16
fishery licensees not disqualified from sitting in Assembly.....	17
FISHERIES,	
leases, licenses and permits, granting of .....	5
taking over records, etc., of Dominion Government .....	5
appointment of deputy commissioner and other officers .....	6
commencement of act.....	6
certain regulations as to fishing repealed.....	6
licensees not disqualified from sitting in Legislative Assembly.....	17
FLOODS,	
municipal by-laws for construction of works to prevent.....	19
INSURANCE,	
correction of certain clerical errors in revised statute .....	7
LABOUR AND WAGES,	
correction of clerical error in revised statute as to mechanics' liens.....	7
LAND TITLES,	
correction of clerical error respecting .....	7
LEGISLATIVE ASSEMBLY,	
fishery licensees not disqualified from sitting in .....	17



MECHANICS' AND WAGE EARNERS' LIENS,	
clerical error corrected.....	7
MUNICIPAL INSTITUTIONS,	
correction of clerical errors in revised statutes.....	8
construction of works for prevention of floods.....	19
Crown taking lands for roads into provincial park.....	20
ONTARIO INSURANCE ACT,	
correction of clerical errors in.....	7
PAMPHLETS,	
distributing at elections not a corrupt act.....	16
PRIVY COUNCIL,	
correction of clerical errors respecting appeals to.....	7
PROVINCIAL PARKS,	
powers of Crown as to taking lands, etc.....	20
REVISED STATUTES,	
correction of clerical and typographical errors.....	7
VOTERS' LISTS,	
making up lists for 1898 in certain cities.....	9
by-law and proclamation to bring Act into force.....	10







STATUTES  
OF THE  
PROVINCE OF ONTARIO

PASSED AT THE SECOND SESSION HELD IN THE  
SIXTY-SECOND YEAR OF THE REIGN OF HER MAJESTY  
QUEEN VICTORIA,  
Being the Second Session of the Ninth Legislature of Ontario.

BEGUN AND HOLDEN AT TORONTO ON THE FIRST DAY OF FEBRUARY, IN THE YEAR  
OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND NINETY-NINE.



---

HIS HONOUR  
THE HONOURABLE SIR OLIVER MOWAT,  
LIEUTENANT-GOVERNOR.

---

TORONTO:  
PRINTED BY L. K. CAMERON,  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.  
1899.

---

WARWICK BRO'S & RUTTER, Printers and Bookbinders, 68 and 70 Front W., Toronto.

---

## TABLE OF CONTENTS.

---

CAP.	PAGE.
1. An Act for granting to Her Majesty certain sums of money to defray the expenses of Civil Government for the year 1899, and for other purposes therein mentioned.....	1
2. An Act respecting the Boundary between the Provinces of Ontario and Manitoba.....	7
3. An Act to amend The Ontario Voters' Lists Act.....	9
4. An Act respecting Voters' Lists in Unorganized Territory....	12
5. An Act to amend The Ontario Election Act.....	13
6. An Act to amend The Controverted Elections Act.....	15
7. An Act respecting Executions and Sheriffs.....	18
8. An Act to Supplement the Revenues of the Crown in the Province of Ontario.....	21
9. An Act respecting Succession Duties.....	36
10. An Act to amend the Mines Act.....	39
11. An Act to amend The Statute Law.....	44
12. An Act respecting Sureties.....	55
13. An Act respecting the Action for Seduction.....	56
14. An Act to erect Manitoulin into a Provisional Judicial District.	57
15. An Act to amend the Law respecting the Liability of Trustees.	60
16. An Act to amend The Registry Act.....	62
17. An Act to amend the Act respecting Wages.....	68
18. An Act to amend the Law with respect to Compensation of Workmen.....	70
19. An Act to amend the Act respecting Cheese and Butter Manufacturing Associations and Companies.....	81
20. An Act respecting Cheese and Butter Exchanges.....	82
21. An Act to amend The Ontario Insurance Act.....	86
22. An Act to amend the Loan Corporations Act.....	87
23. An Act respecting Aid to certain Railways.....	90
24. An Act respecting The Ontario and Rainy River Railway....	94
25. An Act to amend the Electric Railway Act.....	95
26. The Municipal Amendment Act, 1899.....	96
27. The Assessment-Amendment Act, 1899.....	118
28. The Drainage Amendment Act, 1899.....	124
29. An Act to amend The Public Libraries Act.....	127



CAP.		PAGE.
30.	An Act to amend The Ontario Tree Planting Act.....	128
31.	An Act respecting Brewers' and Distillers' and other Licenses..	129
32.	An Act to amend The Public Health Act .....	140
33.	An Act to amend The Ontario Game Protection Act.. .....	141
34.	An Act to improve the Law relating to the Fisheries of the Province .....	148
35.	An Act to further improve The San Jose Scale Act .....	152
36.	An Act to improve the Laws respecting Public Schools .....	154
37.	An Act to amend The Separate Schools Act .....	160
38.	An Act to amend The Prison and Asylum Inspection Act ....	162
39.	An Act respecting the Debenture Debt of the Village of Blyth.	163
40.	An Act to consolidate the floating debt of the Town of Bramp- ton.....	168
41.	An Act respecting the floating debt of the Town of Brockville..	173
42.	An Act respecting certain By-laws concerning drainage in the Townships of Caledonia, Alfred and South Plantagenet. ....	175
43.	An Act respecting the Town of Cobourg. ....	189
44.	An Act to consolidate the debt of the Town of Collingwood ..	192
45.	An Act confirming a certain By law and Agreement of the Municipal Corporation of the Town of Cornwall.....	197
46.	An Act respecting By-law No. 462 of the Town of Dundas. .	202
47.	An Act respecting the Village of Exeter.....	206
48.	An Act respecting the Town of Fort William.....	209
49.	An Act to authorize the Town of Goderich to borrow \$25,000..	213
50.	An Act respecting the Town of Goderich and the Goderich Ele- vator and Transit Company (Limited). ....	216
51.	An Act respecting the Town of Kincardine .....	219
52.	An Act to confer Certain Powers on the City of Kingston....	226
53.	An Act respecting the City of Kingston and the Dominion Cotton Mills Company.....	228
54.	An Act to consolidate the debt of the Town of Leamington ...	233
55.	An Act respecting the Town of Lindsay .....	238
56.	An Act respecting the City of London .....	246
57.	An Act respecting the Township of Madoc.....	254
58.	An Act respecting the Debt of the Village of Madoc .....	259
59.	An Act to consolidate the debt of the Town of Mattawa .....	264
60.	An Act respecting the Village of Merrickville.....	269
61.	An Act respecting the Corporation of the Town of Midland....	271
62.	An Act to confirm By-law No. 234 of the Town of Newmarket	276
63.	An Act respecting the Town of Niagara Falls .....	280
64.	An Act respecting the Town of Orillia .....	283
65.	An Act respecting the Town of Oshawa.....	290

CAP.	PAGE.
66. An Act respecting the City of Ottawa .....	295
67. An Act respecting By-law No. 1,797 of the City of Ottawa and to authorize the Corporation of the City of Ottawa to raise money upon the security of Lansdowne Park.....	297
68. An Act respecting the Town of Owen Sound.....	309
69. An Act to confirm By-law No. 228 of the Town of Palmerston	316
70. An Act to confirm an agreement between the Town of Perth and the Perth Water Works Company (Limited) and for other purposes.. ..	325
71. An Act respecting the Town of Peterborough ..	334
72. An Act respecting the Town of Petrolea.....	337
73. An Act respecting the Town of Port Arthur .....	339
74. An Act to confirm By-law No. 467 of the Town of Prescott....	345
75. An Act respecting the debenture debt of the Town of Sarnia..	350
76. An Act to legalize and confirm By-laws 488 and 489 of the Town of Sarnia.....	352
77. An Act respecting the Town of Sault Ste. Marie, the Lake Superior Power Company, the Sault Ste. Marie Pulp and Paper Company, the Tagona Water and Light Company and others.....	357
78. An Act respecting the Town of Seaforth .....	363
79. An Act to consolidate certain Debts of the Town of Simcoe..	365
80. An Act respecting the Town of Smith's Falls .....	370
81. An Act respecting By-law No. 304 of the Village of South- ampton .....	376
82. An Act to confirm By-law No. 779 of the City of Stratford ...	384
83. An Act to incorporate the Village of Sturgeon Point.....	395
84. An Act to confirm By-law No. 152 of the Village of Tara ....	399
85. An Act respecting the City of Toronto .....	404
86. An Act respecting the Toronto Chain Ferry .....	414
87. An Act respecting By-law No. 109 of the Town of Welland ..	415
88. An Act respecting the Town of Whitby.....	423
89. An Act respecting the Village of Winchester .....	427
90. An Act to confirm By-law No. 740 of the County of York....	429
91. An Act respecting the Township of York .....	432
92. An Act to incorporate The Algoma Central Railway Company.	436
93. An Act to incorporate the Bruce Mines and Algoma Railway Company.....	452
94. An Act to incorporate the Haliburton, Whitney and Mattawa Railway Company .....	463
95. An Act to incorporate the Hamilton and Caledonia Railway Company.....	478
96. An Act respecting the Hamilton, Chedoke and Ancaster Elec- tric Street Railway Company (Limited).....	484
97. An Act respecting the London Street Railway Company.....	487

Cap.		PAGE.
98.	An Act to incorporate the Nepigon Railway Company .....	510
99.	An Act to incorporate the Nickel Range Railway Company ..	527
100.	An Act to incorporate the North Lanark Railway Company ..	543
101.	An Act relating to the Sault Ste. Marie and Hudson's Bay Railway Company.....	559
102.	An Act to amend the Act incorporating the Smith's Falls, Rideau and Southern Railway Company .....	561
103.	An Act to incorporate the Thessalon and Grand Portage Railway Company .....	564
104.	An Act to incorporate the Thunder Bay, Nipigon and St. Joe Railway Company.....	572
105.	An Act to incorporate the Toronto, Lindsay and Pembroke Railway Company.....	589
106.	An Act to incorporate The Worthington and Onaping Railway Company.....	603
107.	An Act respecting the Brantford Gas Company .....	614
108.	An Act to incorporate The Ontario Historical Society.....	619
109.	An Act to amalgamate The Toronto General Trusts Company and The Trusts Corporation of Ontario .....	623
110.	An Act to incorporate the Toronto Hotel Company .....	631
111.	An Act respecting the Incorporated Synod of the Diocese of Toronto .....	636
112.	An Act respecting the Church of The Holy Trinity, Toronto ..	642
113.	An Act respecting Knox Church, Toronto .....	645
114.	An Act respecting the Hamilton Young Women's Christian Association and Technical Institute .....	647
115.	An Act to incorporate The London Young Men's Christian Association .....	650
116.	An Act respecting the Trustees of the Osgoode Burial Ground.	653
117.	An Act respecting St. Luke's General Hospital.....	655
118.	An Act to incorporate the Western Hospital of Toronto .....	657
119.	An Act to authorize the Law Society of Upper Canada to admit George Macgregor Gardner to practice as a Solicitor .....	664
120.	An Act to amend the Act to enable Edward Spencer Jenison to develop and improve a Water Privilege on the Kaministiquia River and extend the provisions thereof.....	666
121.	An Act respecting the trusts under the marriage settlement of Mildred Raymond and John Raymond .....	684
122.	An Act to authorize Jacob Zielinski to practice the Eclectic System of Medicine in the Province of Ontario.....	688

---





## 62 VICTORIA (2ND SESSION).

### CHAPTER 1.

An Act for granting to Her Majesty certain sums of money to defray the expenses of Civil Government for the year one thousand eight hundred and ninety-nine, and for other purposes therein mentioned.

*Assented to 1st April, 1899.*

MOST GRACIOUS SOVEREIGN :

**W**HEREAS it appears by messages from His Honour, the Preamble  
Honourable Sir Oliver Mowat, Lieutenant-Governor of Ontario, and the estimates accompanying the same, that the sums hereinafter mentioned in the Schedules to this Act are required to defray certain expenses of the Civil Government of this Province, and of the public service thereof, and for other purposes for the year one thousand eight hundred and ninety-nine ; May it therefore please Your Majesty that it may be enacted, and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows :—

1. From and out of the Consolidated Revenue Fund of this Province, there shall and may be paid and applied a sum (not exceeding in the whole) of three million six hundred and forty-six thousand one hundred and fifty dollars and sixty-six cents, for defraying the several charges and expenses of the Civil Government of this Province for the year one thousand eight

\$3,646,150 66  
granted out of  
the Consoli-  
dated Revenue  
Fund for cer-  
tain purposes.

eight hundred and ninety-nine as set forth in Schedule A to this Act; and for the expenses of Legislation, Public Institutions' Maintenance and Salaries of the Officers of the Government and Civil Service for the month of January, one thousand nine hundred as set forth in Schedule B to this Act.

Accounts to be  
laid before the  
Legislative  
Assembly.

2. Accounts in detail of all moneys received on account of this Province, and of all expenditures under Schedule A of this Act shall be laid before the Legislative Assembly at its next sitting.

Unexpended  
moneys.

3. Any part of the money under Schedule A, appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the thirty-first day of December, one thousand eight hundred and ninety-nine, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior to the said day; and all balances remaining unexpended after the twentieth day of January next shall lapse and be written off.

Expenditure  
to be account-  
ed for to Her  
Majesty.

4. The due application of all moneys expended under this Act out of the Consolidated Revenue shall be accounted for to Her Majesty.

## SCHEDULE A.

SUMS granted to Her Majesty by this Act for the year one thousand eight hundred and ninety-nine and the purposes for which they are granted.

### CIVIL GOVERNMENT.

*To defray the expenses of the several Departments at Toronto*

Lieutenant-Governor's Office .....	\$ 3,780 00
Executive Council and Attorney-General's Office .....	20,772 50
Education Department .....	19,660 00
Crown Lands Department .....	61,860 00
Department of Public Works .....	18,750 00
Treasury Department .....	32,325 00
Provincial Board of Health .....	7,800 00

CIVIL GOVERNMENT.—*Continued.*

Secretary and Registrar's Department.....	\$34,425	
Inspection of Public Institutions .....	15,475	
Insurance Branch .....	8,150	
Department of Agriculture .....	18,510	
Immigration Branch .....	1,650	
Miscellaneous .....	9,800	
	<hr/>	\$252,957 50

## LEGISLATION.

To defray expenses of Legislation .....	\$118,200 00
---	--------------

## ADMINISTRATION OF JUSTICE.

To defray expenses of:—

Supreme Court of Judicature .....	\$68,017 50	
Surrogate Judges and Local Masters .....	21,026 00	
Miscellaneous Criminal and Civil Justice ....	359,154 57	
	<hr/>	\$448,198 07

## EDUCATION.

To defray expenses of:—

Public and Separate School Education .....	\$456,517 35	
High Schools and Collegiate Institutes .....	115,050 00	
Library and Museum .....	7,800 00	
School of Practical Science .....	22,470 00	
Public Libraries, Art Schools, Literary and Scientific .....	56,750 00	
Miscellaneous .....	14,475 00	
Superannuated Public and High School Teachers .....	61,300 00	
	<hr/>	\$734,362 35

## PUBLIC INSTITUTIONS' MAINTENANCE.

To defray expenses of:—

Asylum for the Insane, Toronto. ....	\$ 98,639 00	
Asylum for the Insane, London .....	129,462 00	
Asylum for the Insane, Kingston .....	73,544 00	
Asylum for the Insane, Hamilton .....	119,033 00	
Asylum for the Insane, Mimico .....	75,832 00	
Asylum for Insane, Brockville .....	65,397 00	
Asylum for Idiots, Orillia .....	56,948 00	
Central Prison, Toronto .....	60,250 00	
Provincial Reformatory, Penetanguishene ..	26,960 00	
Institution for the Deaf and Dumb, Belleville.	44,646 00	
Institution for the Blind, Brantford .....	32,600 00	
Mercer Reformatory for Females .....	22,175 00	
	<hr/>	\$805,486 00

## IMMIGRATION.

## IMMIGRATION.

To defray expenses of a grant in aid of Immigration . . . .	\$7,075 00
---	------------

## AGRICULTURE.

To defray expenses of a grant in aid of Agriculture . . . .	\$214,617 00
---	--------------

## HOSPITALS AND CHARITIES.

To defray expenses of a grant in aid of Hospitals and Charities . . . . .	\$200,316 98
--	--------------

MAINTENANCE AND REPAIRS OF GOVERNMENT AND  
DEPARTMENTAL BUILDINGS.

Government House . . . . .	\$ 7,460 37	
Old Parliament Buildings . . . . .	750 00	
New Parliament and Departmental Buildings . . . . .	28,740 00	
Attorney-General's Department . . . . .	650 00	
Crown Lands Department . . . . .	1,050 00	
Treasury Department . . . . .	900 00	
Provincial Secretary's Department . . . . .	900 00	
Department of Agriculture . . . . .	700 00	
Department of Public Works . . . . .	600 00	
New Parliament Buildings, exclusive of De- partments . . . . .	2,000 00	
Education Department (Normal School Build- ing) . . . . .	8,000 00	
Normal School, Ottawa . . . . .	3,900 00	
School of Practical Science . . . . .	3,525 00	
Agricultural College . . . . .	6,700 00	
Osgoode Hall . . . . .	8,840 00	
Miscellaneous . . . . .	3,570 00	
	<hr/>	\$78,285 37



## PUBLIC BUILDINGS.

Asylum for the Insane, Toronto .....	\$ 5,350 00
do Mimico .....	3,480 00
Asylum for the Insane, London .....	7,520 00
Asylum for the Insane, Hamilton.....	4,850 00
Asylum for the Insane, Kingston .....	4,300 00
Asylum for the Insane, Brockville .....	6,805 00
Asylum for Idiots, Orillia.....	2,800 00
Reformatory, Penetanguishene.....	700 00
Reformatory, Oxford.....	17,500 00
Reformatory for Females, Toronto .....	3,050 00
Central Prison, Toronto.....	5,300 00
Deaf and Dumb Institute, Belleville.....	1,450 00
Blind Institute, Brantford.....	1,525 00
Victoria College .....	5,000 00
Agricultural College, Guelph .....	4,610 00
Normal School and Education Depart't, Toronto	2,000 00
Normal School, Ottawa.....	2,000 00
Normal School, London .....	62,000 00
School of Practical Science, Toronto .....	5,485 00
Osgoode Hall, Toronto .....	1,200 00
New Parliament Buildings .....	2,400 00
District of Algoma.....	1,800 00
Thunder Bay District .....	650 00
Rainy River District.....	2,550 00
Muskoka District .....	10,200 00
Parry Sound District.....	100 00
Nipissing District .....	875 00
Dairy School, Kingston.....	239 00
	<hr/> \$165,739 00

## PUBLIC WORKS.

To defray expenses of Public Works .....	\$63,953 00
--	-------------

## COLONIZATION ROADS.

To defray expenses of Construction and Repairs .....	\$98,250 00
--	-------------

## CHARGES ON CROWN LANDS.

To defray expenses on account of Crown Lands .....	\$167,525 00
--	--------------

## REFUNDS.

Education .....	\$ 1,000 00
Crown Lands .....	18,500 00
Municipalities Fund .....	973 28
Land Improvement Fund .....	2,402 11
	<hr/> \$22,875 39

MISCELLANEOUS EXPENDITURE.

To defray Miscellaneous Expenditure ..... \$138,310 00

UNFORESEEN AND UNPROVIDED.

To defray unforeseen and unprovided expenses ..... 50,000 00

Total estimates for expenditure of 1899..... \$3,566,150 66

---

SCHEDULE B.

SUM granted to Her Majesty by this Act for the year  
one thousand nine hundred and the purposes for  
which it is granted.

To defray the expenses of Legislation, Public Institutions'  
Maintenance, and for salaries of the officers of the  
Government and Civil Service for the month of  
January, 1900..... \$80,000 00

Total.....\$3,646,150 66

## CHAPTER 2.

An Act respecting the Boundary between the Provinces of Ontario and Manitoba.

*Assented to 1st April, 1899.*

WHEREAS by *The British North America Act, 1871*, it is provided that the Parliament of Canada may from time to time with the consent of the Legislature of any Province increase, diminish or otherwise alter the limits of such Province; and whereas the western boundary of the Province of Ontario has been laid down by the Commissioners appointed for the purpose of delimiting by survey the boundary line between the Provinces of Ontario and Manitoba from the north-west angle of the Lake of Woods to the English River in accordance with the description contained in the schedule to the Act of the Imperial Parliament known as the *Canada (Ontario Boundary) Act, 1889*; and whereas it is expedient that the said boundary so laid down should be adopted and confirmed;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. In case the Legislature of the Province of Manitoba consents thereto the Legislature of the Province of Ontario hereby consents that the Parliament of Canada may declare that the boundary line marked and laid down by the said Commissioners and described in the Schedule to this Act shall be the boundary line between this Province and the Province

Consent of  
Legislature to  
adoption of  
boundary  
fixed by com-  
missioners.

of

of Manitoba, although the limits of the Province may be thereby increased, diminished, or otherwise altered.

---

### SCHEDULE.

Description by metes and bounds of western boundary of the Province of Ontario.

Commencing at the initial point at the north-west angle of the Lake of the Woods, in the District of Rainy River, said initial point being one hundred and fifty chains and one link due north from an iron post four feet above ground, planted about five chains from the north bank of the North West Angle river, bearing the following inscriptions: "October 20th, 1818" on the south side, and on the north side the words "Convention of London," said post having been planted by the International Boundary Commissioners in 1872, to mark the boundary between the Dominion of Canada and the United States of America, said initial point being also one hundred and ten chains and sixty-two links due north from an iron post four feet above ground bearing similar inscriptions; thence from said initial point due north astronomically along the boundary between the Provinces of Ontario and Manitoba, a distance of fifty-eight miles, twenty-seven chains and four links to the water's edge of the Winnipeg river, where an iron post has been planted, marked "Ont." on the east side and "Man." on the west side, said boundary being marked at every mile by an iron post marked with the number of the mile on the south side, the letters "Man." for Manitoba on the west side, and "Ont." for Ontario on the east side, thence still due north along said boundary until it strikes the middle line of the course of the Winnipeg river discharging the lake called Lac Seul or the Lonely Lake, said boundary line being shown on a plan of survey by E. Stewart, O.L.S., and B. J. Saunders, O.L.S., commissioners appointed by orders-in-council to determine the boundary between the Provinces of Ontario and Manitoba, said plan being dated 30th April, 1898, and on record in the Department of the Interior at Ottawa as well as in the Department of Crown Lands, Toronto.

---



## CHAPTER 3.

## An Act to amend The Ontario Voters' Lists Act.

*Assented to 1st April, 1899.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. *The Ontario Voters' Lists Act* is amended by adding thereto the following as section 6a : Rev. Stat.  
c. 7, amended.

6a.—(1) In the case of any city in which the assessment roll is not returnable before the 30th day of September, the clerk immediately after the return by the assessor of the assessment roll, and without waiting for the revision and correction thereof by the court of revision or the judge, shall make out a correct alphabetical list of all persons appearing by the assessment roll to be entitled to be voters in the city, prefixing to the name of each person his number upon the said roll as heretofore; and shall within thirty days after receiving the assessment roll cause two hundred copies of the said list to be printed in pamphlet form, and shall post up and deliver copies of the said list in the manner provided by section 8 of this Act.

Preparing  
voters' list in  
cities where  
roll not re-  
turnable limit  
30th Septem-  
ber.

(2) A larger number of copies may be printed if the city council, by resolution or otherwise, so decide or authorize.

(3) The alphabetical list made by the clerk on receiving the assessor's roll shall be deemed the list of voters which is subject to revision by the county judge, under section 13 of this Act, and the provisions of this Act which have reference to the

Revision of  
list by county  
judge.

said

said alphabetical list therein mentioned shall apply to the lists provided for by this section.

Time for giving notice of complaints.

(4) The time for giving notice of any complaint to be made to the judge under section 13 of this Act with respect to lists prepared under this section shall be thirty days after the clerk has posted up the said list in his office.

Time for final completion of lists.

(5) The list prepared under this section shall be finally revised, corrected and certified by the county judge within one month after the last day for making complaints.

Correction in voters' list after revision of roll.

(6) In case the assessment roll of any city to which this section applies is not finally revised before the time herein limited for the final revision, correction and certifying of the voters' list by the judge, and upon appeal to the judge from the court of revision alterations are made by the judge in the assessment roll affecting the right of any person to be entered on the voters' list, the judge shall forthwith after the final revision of the roll, make out a list of such alterations and deliver the same to the clerk and the clerk shall make the corresponding changes in the certified copies of the revised voters' list and the judge shall initial the same. A copy of the said list of alterations shall be posted up by the clerk in his office.

Rev. Stat. c. 7, s. 8, amended.

2. Section 8 of the said Act is hereby amended by adding thereto the following:

Sending out copies of voters lists.

(h) To each member of the county council for the division in which the municipality is situate.

Rev. Stat. c. 7, ss. 52-60, repealed.

3. Sections 52 to 60 inclusive of the said Act, are hereby repealed, and the following substituted therefor:

## PART II.

Preparation of list where roll returned and revised by wards.

52. Within fifteen days after the final revision of the assessment roll for any ward or sub-division of a ward, the clerk of every city to which the provisions of this Part of this Act applies, shall prepare, make up and print the alphabetical list of voters' for such ward or sub-division in the manner prescribed by Part I of this Act.

Posting up and distributing lists.

53. Forthwith after the preparation and printing of the last of such lists, the clerk shall post up and distribute each of the said alphabetical lists for each such ward or sub-division in the manner prescribed by Part I of this Act, and forthwith after the clerk has posted up the said lists in his office, he shall cause a notice to be inserted once a week for three weeks in each daily newspaper published in the city calling upon persons who are aware of errors or omissions in the said lists or of changes which have been rendered necessary by reason of the death or removal of any person named therein or by reason of any person having acquired the necessary qualifications as a voter

Notice of court for hearing complaints.

since

since the return or final revision of the assessment roll for any such ward or sub-division of a ward to give notice of the same and shall name a time and place at which the judge will hold court for revising the lists for the whole city. The time for making complaints as to errors or omissions in the said lists shall be within twenty-one days after the first publication of such notice.

54. It shall be the duty of the county judge so to arrange and proceed, and so to fix the sittings of the court for hearing complaints against or in respect of the said list that the complaints shall be heard and determined and the said lists finally revised, corrected and certified in manner provided by Part I of this Act within ten days after the last day for making complaints and in any case before the twentieth day of December.

Time for final revision of lists.

55. In case no complaint respecting any of the said lists is received by the clerk of the municipality within twenty-one days after the first publication of such notice the clerk shall forthwith apply in person or by letter to the Judge to certify three copies of each of the said lists as being the last revised list of voters for the ward or subdivision, and the Judge shall retain one of the certified copies and deliver or transmit by post registered one certified copy to the clerk of the peace for the county or union of counties within which the said city lies, and one of the certified copies to the clerk of the municipality to be kept by him among the records of his office.

Certifying lists where no complaint made.

56. In case complaints are made as aforesaid with respect to any of the said lists within the said period of twenty-one days the Judge immediately after the lists have been revised and corrected by him shall proceed as provided by section 21 of this Act, and sections 22 and 23 of this Act shall apply to the lists prepared under this part.

Procedure where complaints are made.

57. The said lists as so revised, corrected and certified by the County Judge shall together form from time to time the last revised Voters' Lists for the city within the meaning of this Act, *The Ontario Election Act* and *The Municipal Act*, and the date fixed for the last day for making complaints to the County Judge under section 53 shall be deemed to be the last day for making complaints to the County Court Judge within the meaning of any oath prescribed by any of said Acts and such date shall be inserted in any such oath when the voting is upon a voters' list prepared under this Act.

Lists to form together the revised voters list for the city.

## CHAPTER 4.

## An Act respecting Voters' Lists in Unorganized Territory.

*Assented to 1st April, 1899.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat.,  
c. 7, Part III,  
suspended for  
two years.

1. Part III of *The Ontario Voters' Lists Act* is suspended for two years from the passing of this Act, unless when otherwise ordered by the Lieutenant-Governor in Council.

Voters' list  
prepared in  
1898 to be  
used until new  
list prepared.

2. Until a new voters' list has been prepared for unorganized territory under the said Part III or under any other enactment of the Legislature of this Province, the voters' lists prepared and certified under the said Part III in the year 1898 shall in any election to the Legislative Assembly be the lawful voters' lists for the polling subdivisions to which such lists are applicable.



## CHAPTER 5.

## An Act to amend The Ontario Election Act.

*Assented to 1st April, 1899.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 67 of *The Ontario Election Act* as enacted by section 3 of the Act passed in the 61st year of Her Majesty's reign, chaptered 5, is hereby repealed and the following substituted therefor :—

Rev. Stat.  
c. 9, s. 67,  
repealed.

67. The deputy returning officer shall be a resident of the county or district in which the election is being held.

Deputy re-  
turning offi-  
cers to be resi-  
dents in coun-  
ty or district.

2. Sub section 1 of section 124 of *The Ontario Election Act* is amended by adding thereto the following:—

Rev. Stat.  
c. 9, s. 124,  
amended.

In case it is made to appear to the County Judge that by reason of a defect in the return made by any deputy returning officer to the returning officer the latter is of the opinion that he is not entitled to count and does not count the number of ballots deposited at any one or more polling places, then though the majority for the successful candidate exceeds 50 votes the Judge may count the ballots not included in the returning officer's summary as aforesaid and may direct the returning officer to include in such summary and in the returns to be made by him the ballots from any subdivision so rejected as aforesaid by the returning officer on account of such defect, in accordance with the count by the Judge.

When recount  
may be had  
although  
majority ex-  
ceeds 50 votes.

3. Subsection 2 of section 132 of the said Act is amended by inserting after the words "Poll Clerk" in the second line of the said subsection the words "or other person."

Rev Stat.  
c. 9, s. 132,  
amended.

R-v. Stat.  
c. 9, s. 133  
amended.

4. Section 133 of the said Act is amended by inserting after the word "thereto" in the fourth line the words "or in case the deputy returning officer has failed to comply with any of the provisions of this Act as to proceedings after the close of the poll."

Rev. Stat.,  
c. 9, s. 140,  
amended.

5. Section 140 of the said Act is amended by adding thereto the following sub-section :

Inspection to  
be under  
supervision  
of Registrar  
of Court of  
Appeal.

(2) When an order for inspection is made under this section the Clerk of the Crown in Chancery shall seal up securely the ballots, documents and papers which are to be inspected and shall deliver them in person or shall cause them to be delivered by some trustworthy person so sealed to the Registrar of the Court of Appeal, at his office in Osgoode Hall. The inspection shall take place under the immediate supervision of the said Registrar who shall be present during such inspection. In the event of the Registrar requiring to be temporarily absent he shall select some other officer of rank at Osgoode Hall, who shall at his request take his place, so that the said ballots, papers and documents shall at all times during the said inspection be under the immediate observation of the said Registrar or other officer. So long as the ballots, papers and documents are in the custody of the Registrar of the Court of Appeal, and when not under inspection, the same shall be kept in some secure place under lock and key.

Rev. Stat.,  
c. 9, s. 161,  
amended.

6. Section 161 of the said Act is amended by adding thereto, "where such residence is a private house"

Rev. Stat.,  
c. 9, s. 162,  
amended.

7. Section 162 of the said Act is amended by adding thereto the following subsection.

Giving re-  
freshments  
*prima facie*  
evidence of a  
corrupt prac-  
tice.

(2) The giving of meat, drink, refreshment or provisions to electors extensively or generally, or in a miscellaneous manner, by a candidate, or by an agent of such candidate, or the taking part therein by either, or giving the same wholly or partly at the expense of such candidate or of such agent, shall *prima facie* be a corrupt practice under this section.

Rev. Stat.  
c. 9, s. 169,  
amended.

8. Section 169 of the said Act is amended by adding after the figures "167" in the second line thereof the word and figures "or 182."

Rev. Stat.  
c. 9, s. 192,  
subs. 1,  
amended.

9. Subsection 1 of section 192 of the said Act is amended by adding thereto the following words, namely: "and shall be imprisoned for a term not exceeding six months."

Rev. Stat.  
c. 9, s. 192,  
subs. 2,  
amended.

10. Subsection 2 of section 192 of the said Act is amended by adding thereto the following words, namely: "and shall be imprisoned for a term not exceeding six months."

Sections 6 to  
10 not to be  
retroactive.

11. The five next preceding sections of this Act shall not apply to or in respect of past elections.

## CHAPTER 6.

## An Act to amend The Controverted Elections Act.

*Assented to 1st April, 1899.*

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 3 of *The Ontario Controverted Elections Act* is repealed and the following is substituted therefor:—

Rev. Stat.,  
c. 11, s. 3  
repealed.

3. A petition (hereinafter referred to as an election petition) complaining of the undue return or undue election of a member may be presented to the court by any one or more of the following classes of persons:—

By whom  
petition may  
be presented.

(a) Some person who was a candidate at such election;  
or

(b) Three persons who voted or who had a right to vote at such election and who are severally rated on the last revised assessment roll in respect of real property in the municipalities in which they reside for at least \$1,000.

2. Section 10 of the said Act is repealed and the following substituted therefor:—

Rev. Stat., c.  
11, s. 10, re-  
pealed.

10.—(1) Presentation of a petition in cases arising in the County of York or City of Toronto shall be made by delivering it to the Registrar of the Court and in other cases by delivering it to the Local Registrar of the High Court for the county in which the electoral district or any part thereof is

Presentation  
of petition.

situated

situated, or otherwise dealing with the same in the manner prescribed. On receipt of a petition by a Local Registrar he shall send notice thereof by registered letter to the Registrar of the Court.

(2) The security shall be given as heretofore in the manner provided by section 14 of this Act.

Rev. Stat., c.  
11, s. 12, (1)  
amended.

**3.** Subsection 1 of section 12 of the said Act is amended by adding after the words "the Registrar of the Court" the words "or the Local Registrar of the High Court as the case may be."

Rev. Stat., c.  
11, s. 13,  
amended.

**4.** Section 13 of the said Act is amended by striking out the word "three" in the second line of the said section and substituting therefor the word "four."

Rev. Stat. c.  
11, amended.

**5.** The said Act is further amended by adding thereto the following sections :—

Member not  
required to at-  
tend on pre-  
liminary ex-  
amination  
during session.

**17a.** Where a petition has been filed against a member elect who is entitled to take his seat such member shall not without his consent be required to attend on any preliminary examination during a session of the Legislative Assembly.

Stay of exam-  
ination may be  
ordered.

**17b.** Where any party deems that a preliminary examination is being carried on for an unreasonable length of time such party may apply to a Judge of the High Court in Chambers on giving two clear days' notice to the opposite party for an order that no further examination shall be had or that the examination shall be closed by a day to be named in the order and on such application the judge may make an order accordingly or may make such other order as appears just and reasonable.

Rev. Stat., c.  
11, s. 20,  
amended.

**6.** Section 20 of the said Act is hereby amended by adding thereto the following sub-sections :—

Examination  
may be taken  
in shorthand  
by consent.

(4) The preliminary examination under this section may, by consent of the parties to the petition or proceedings be taken in shorthand and with such consent may also be taken by question and answer, and in such case the notes when extended and certified to by the examiner and shorthand writer may be used as fully as if taken in narrative form. In case the examination is taken in shorthand as herein provided the depositions need not be read over to the witness or be signed by him if the parties so agree.

Costs of pre-  
liminary ex-  
aminations.

(5) The costs of and incidental to all preliminary examinations under this Act shall be paid and borne by the party procuring the examination and shall not in any event be chargeable against the other party to the petition and proceedings or against the security or deposit in court.



7. The said Act is amended by adding thereto the following section :—

Rev. Stat.  
c. 11 amended.

22a. In case of a preliminary examination of the petitioner or respondent the returning officer to whom the bills and vouchers relative thereto have been delivered as provided by section 201 of *The Ontario Election Act* may be subpoenaed to produce such bills and vouchers for the purposes of such examination and it shall be his duty to produce the same accordingly. Immediately upon the close of the examination the said bills and vouchers shall be returned to the returning officer and copies thereof duly verified may be made and filed as exhibits in lieu of the originals.

Production of  
bills and  
vouchers for  
purpose of pre-  
liminary ex-  
amination.

8. Section 39 of the said Act is repealed and the following is substituted therefor :—

Rev. Stat., c.  
11, s. 39, re-  
pealed.

39. The trial of an election petition shall take place in the electoral district, the election or return for which is in question, unless both parties consent that the trial shall take place elsewhere, in which case the court may appoint such other place for the trial as appears most convenient, but nothing herein contained shall prevent the judge or judges from directing that the trial may be adjourned to be continued or closed in Toronto.

Place of trial.

## CHAPTER 7.

## An Act respecting Executions and Sheriffs.

*Assented to 1st April, 1899.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Rev. Stat.  
c. 77, s. 2, cl. 6  
amended.

Exempted  
article valued  
at over \$100.

Sheriff may  
demand fees  
on delivery of  
writ of  
execution.

Sheriff to be  
within the  
protection of  
Rev. Stat.  
c. 88.

Rev. Stat.  
c. 17, s. 4,  
amended.

1. Clause 6 of section 2 of *The Execution Act* is hereby amended by adding thereto the following words "but if a specific article claimed as exempt be of a value greater than \$100 and there are not other goods sufficient to satisfy the execution such article may be sold by the sheriff who shall pay \$100 to the debtor out of the net proceeds, but no sale of such article shall take place unless the amount bid therefor shall exceed the said sum of \$100 and the cost of sale in addition thereto.

2. The Sheriff may at the time of the delivery demand from any person delivering a writ of execution to him to be executed, the fees allowed to him by the tariff then in force for receiving warrant and return and the fees so paid shall if afterwards collected from the debtor be repaid by the Sheriff to the person who issued such writ.

3. A Sheriff shall be deemed an Officer within the meaning of section 1 of *The Act to Protect Justices of the Peace and others from Vexatious Actions*.

4. Section 4 of *The Act respecting the Office of Sheriff* is hereby amended by striking out all the words in sub-section

1 of said section 4 after the word "Delivery" in the 11th line of the said sub-section, and substituting therefor the following words, namely, "and the sittings of the High Court in Toronto other than the sittings of the Weekly Court and the sittings to be attended as aforesaid by the Sheriff of the County of York."

Attendance at courts in Toronto.

5. Section 2 of *The Act respecting the fees of certain Public Officers* is suspended in so far as it affects sheriffs as from and after the first day of January 1899.

Rev. Stat. c. 18, s. 2, superseded.

6. Where a Sheriff is directed by the Judge to perform any service or do any act for which no fee is provided the Sheriff may be allowed such fees as the Judge may think adequate and may direct, and the same shall be payable by the Province or by the County or part by the Province and part by the County as the Judge may direct.

Fees of sheriff when acting under order of judge.

7. Section 21 of *The Act respecting Arrest and Imprisonment for Debt* is hereby amended by striking out the first four lines thereof, and substituting therefor the following:

Rev. Stat. c. 80, s. 21, amended.

"In lieu of giving bail to a sheriff, a person arrested either on execution or mesne process, or any person on his behalf may deposit with the sheriff the amount for which he is arrested, and where the person is held under an order for arrest the further sum of \$40."

Deposit in lieu of bail on arrest under civil process.

9.—(1) Section 10 of chapter 77 of *The Revised Statutes of Ontario* is hereby repealed and the following section substituted therefor:—

Rev. Stat. c. 77, s. 10, repealed.

10. All shares and dividends or any equitable or other right property, interest or equity of redemption in or in respect of any shares or dividends in any incorporated bank or other incorporated company in Ontario having transferable joint stock shall be held to be personal property and shall be liable to bona fide creditors for debts and may be attached, seized and sold under execution in like manner as other personal property.

Shares and dividends and equitable interests therein.

(2) Sub-section 1 of section 17 of the said Act is hereby repealed and the following sub-section substituted therefor:—

Rev. Stat. c. 77, s. 17, sub-s. 1, repealed.

(1) Under an execution against goods the sheriff or other officer to whom the same is directed may seize any equitable or other property right, interest or equity of redemption in or in respect of any goods or chattels, including leasehold interests in any lands of the party against whom the writ has issued and such sale shall convey whatever equitable or other right, property, interest or equity of redemption the last mentioned party had or was entitled to in or in respect of the goods and chattels at the time of the seizure.

Equitable rights in chattels.

Rev. Stat. c.  
77, s. 17, sub-s.  
2, amended.

(3) Sub-section 2 of section 17 is hereby amended by adding thereto the words:—

And in the case of an equitable or other right, property interest or equity of redemption in or in respect of any shares the procedure for seizure and sale shall be the same as hereinbefore provided in the case of shares and dividends, and the same shall be held to be personal property found in the place where notice of the seizure thereof is served as aforesaid.

Rev. Stat.  
c. 101, sched.  
amended.

**10.** *The Act respecting the Fees of Officers engaged in the Administration of Justice*, chapter 101 of the Revised Statutes 1897, is amended by striking out of item 27 in that part of the schedule which relates to sheriffs, the words "to be taxed by the court or judge who passed the sentence."

---



## CHAPTER 8.

An Act to supplement the Revenues of the Crown in the Province of Ontario.

*Assented to 1st April, 1899.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Where the following words occur in this Act or in the schedule thereto, they shall be construed in the manner hereinafter mentioned unless a contrary intention appears. Interpretation.

1. "Bank" shall mean and include any corporation or joint stock company wheresoever incorporated for the purpose of doing a banking business, whether the head office is situated in Ontario or elsewhere, and which transacts a banking business in Ontario, and, shall include a Savings Bank. "Bank."

2. "Insurance Company" shall include life, fire, ocean marine, inland transit, accident, plate glass, steam boiler and burglary insurance companies and every guarantee company, wheresoever such companies may be incorporated, whether the head office is situated in Ontario or elsewhere, and which transacts business in Ontario, but shall not include mutual fire companies (unless where any mutual fire insurance company transacts insurance on the cash plan) or mutual live stock insurance companies licensed under section 53 of *The Ontario Insurance Act* or registered under sections 55 and 59 of *The Ontario Insurance Act* nor friendly or fraternal societies lawfully transacting insurance in Ontario under the said Act. "Insurance Company."  
Rev. Stat.  
c. 203.

"Loan Com-  
pany,"  
Rev. Stat.  
c. 205.

3. "Loan Company" shall include every loan and every loan-  
ing land company within the meaning of *The Loan Corpora-  
tions Act* and also every corporation, incorporated company  
and association, wheresoever incorporated, not being a bank  
or an insurance company, whose business or one of whose  
purposes is to lend money at interest either to the public or  
to its own members, whether the head office is in Ontario  
or elsewhere, and which so lends money and transacts busi-  
ness in Ontario.

"Trust Com-  
pany,"  
Rev. Stat.  
c. 206.

4. "Trust Company" shall mean a company, wheresoever  
incorporated, exercising in Ontario the powers set forth in  
the schedule to *The Act Respecting Trust Companies* or any  
of them.

"Head  
Office."

5. "Head Office," in the case of companies whose organiz-  
ation and chief executive officers are within the Province,  
shall mean the place where the chief executive officers of the  
corporation transact its business within the Province.

Head  
Office.

6. "Head Office" in the case of companies whose organiza-  
tion and chief executive officers are without the Province shall  
mean the office within the Province which on the 31st  
day of December, 1898, was known, or may at any time  
thereafter be known, as the head office of the company  
within the Province, and in case no such office is designated or  
known as the head office then the office in the Province  
to which the other offices or agencies in the Province made  
returns, and in case there was no such office upon the date  
aforesaid then the office which did the largest business in the  
Province during the year 1898. In the case of companies or  
corporations, wheresoever incorporated, which may hereafter  
begin business in the Province, the head office shall be the  
office which shall be designated by the company, and notice  
thereof given to the Provincial Treasurer, and where no such  
notice is given the head office shall be that office or place of  
business of the company designated as the head office by an  
order of the Lieutenant-Governor in Council on the report  
of the Provincial Treasurer.

"Company,"  
"joint stock  
company,"  
"corpora-  
tion."

7. The words "company," "joint stock company" and "cor-  
poration," shall include every corporation, incorporated com-  
pany and association to which this Act refers and which trans-  
acts, or which during the year in respect of which the tax is  
payable has transacted business in Ontario whether now or  
hereafter incorporated by or under any statute or Act of  
a Parliament or of a Legislature or by Letters Patent or other-  
wise howsoever within the territories and dominions of the  
Crown or within any foreign country and wheresoever  
organized and incorporated and wherever the head office is  
situated or wheresoever the board of management or executive  
officers transact the business of the company, and shall also

apply to all similar companies, associations or corporations which may be hereafter incorporated for such purposes as aforesaid and which shall do or transact business in Ontario; and where any such corporation, company or association shall be placed in the hands or under the control of agents, assignees, trustees, liquidators or receivers, or other officers then to such agents, assignees, trustees, liquidators or receivers, or other officers.

8. The word "company," "joint stock company" and "cor- Partnerships, syndicates and trusts.  
poration" shall further include an individual, a partnership, syndicate or trust where the class or kind of business to which this Act applies is conducted or carried on in Ontario by such individual, partnership, syndicate or trust, whether the head office or chief place of business of such individual, partnership, syndicate or trust is in Ontario or elsewhere, but the word individual in this clause shall not apply to a private banker or to an individual merely because of his loaning money.

9. "Extra Provincial Company" shall mean a company which has the head office of the company elsewhere than in Ontario. "Extra Provincial Com-  
pany."

10. The word "premiums" shall include the first premium payable upon the policy of insurance and the annual or other premiums payable thereon thereafter and whether for renewals or otherwise. "Premiums."

2. In order to supplement the revenues of the Crown in the Province every company, joint stock company, corporation, association, individual, partnership, syndicate, or trust, herein- Taxes to sup-  
before described, and being one of any of the classes of companies or corporations, or being an individual, partnership, syndicate or trust hereinafter mentioned or referred to and which transacts business in the Province of Ontario under its, his or their own name or otherwise or through an agent or agents shall annually pay to the Crown in this Province, each and every year, the several taxes by this Act imposed thereon at the times and in the manner hereinafter provided. plement  
revenues of  
the Province.

1. (a) Every bank shall pay a tax of one-tenth of one per cent. on the paid up capital stock thereof when such paid up capital stock is \$2,000,000 or less, and \$25 for every \$100,000 or fraction thereof of the paid up capital stock in excess of the sum of \$2,000,000, and not exceeding \$6,000,000. Payable by  
banks.

(b) Every bank shall pay an additional tax of \$100 for each principal office or place of business in the Province, and \$25 for each additional office, branch or agency in the Province, but no such tax shall be levied upon more than one office, branch or agency in any one city, town or village.

2 (a) Every life insurance company which transacts business in the Province of Ontario shall pay a tax of one per cent., and every other insurance company shall pay a tax of two-thirds of By insurance  
companies.

one per cent., calculated on the gross premiums received by such company in respect of the business transacted in the said Province during the preceding year, but in the case of mutual fire insurance companies which receive premiums in cash the tax shall be calculated on the gross premiums received by such company in cash in respect of the insurance transacted on the cash plan in the said Province during the preceding year. Provided that every insurance company licensed under section 53 of the *Ontario Insurance Act* and assessed under section 181 of the said Act shall be credited with the payment under the said last mentioned section as in reduction of the tax payable under this Act, and no insurance company made liable to taxation by this Act shall require any license, authorization or permit of any municipality for doing business in the municipality or for establishing agencies therein.

(b) Where the receipts from premiums of a life insurance company whose head office is elsewhere than in Ontario are less than \$20,000, and where such company lends money on security and has invested in this Province \$100,000, or more, such company shall pay a tax of one per cent. calculated on the gross premiums and one-fourth of one per cent. on the income from investments received by such company in respect of the business transacted in the Province during the preceding year.

(c) In the case of re-insurance by an insurance company the principal company shall be exempt from the tax imposed by this Act on the portion of the premium paid to the re-insuring company. But the company receiving the premium for re-insurance shall be liable for the tax in respect thereof as part of its gross premiums. Where the re-insuring company does not conduct business in Ontario or has no principal or head office therein, the principal company shall retain in its hands so much of the said premium as will be equivalent to the tax by this Act imposed on or in respect of such premium, and shall be liable for the tax and for the payment thereof to the Treasurer of the Province.

By loan companies.

3. Every loan company which transacts business in the Province of Ontario shall pay a tax as follows :

- (a) Companies with fixed or permanent paid up capital, \$65 where the paid up capital is \$100,000 or less, and \$65 on every additional \$100,000, or fraction thereof, of paid up capital.
- (b) Companies having only terminating or withdrawable capital where the amount of paid up capital is over \$100,000, the sum of \$65 on every \$100,000 or fraction thereof of paid up capital after the first \$100,000.
- (c) Where a loan company has its organization and head office in Great Britain or Ireland and employs a  
part



part of its paid up capital in Canada, the Lieutenant-Governor in Council may direct that the tax shall be calculated upon the amount of the funds of the company which are used or employed in Canada.

4. Every trust company which transacts business in the Province of Ontario shall pay a tax of \$250 where the paid up capital is \$100,000 or less, and the sum of \$65 on every additional \$100,000 or a fraction thereof of paid up capital, and where the gross profits of any trust company are \$25,000 per annum or over, such company shall pay the further sum of \$500 per annum. The interest received by a trust company from the paid up capital of the company which may be invested shall not for the purposes of this Act be reckoned as gross profits. By trust companies.

5. Every railway company operating or running a line or part of a line of railway within the Province shall pay a tax of \$5 per mile for each mile of such railway from terminus to terminus operated or used by the company so operating or using the same, but both the company or companies owning the lines or such part thereof and the company or companies operating or working the said line or part or parts of a line as aforesaid shall be jointly and severally liable for the payment of the amount of such tax to the Provincial Treasurer. The measurement shall not include switches, spurs, or sidings nor double measurement in case of double track. The word "railway" or the words "railway company" in this section and in section 8 shall not include an electric railway or electric railway company or a tramway or a tramway company. By railway companies.

6. Every street railway company in any city in the Province and every company working or operating a railway or part thereof entirely or partly by electricity in any city in the Province for carrying passengers shall pay a tax of \$20 per mile for each mile of track in such city when the whole line does not exceed 20 miles, \$35 per mile for each mile of track when the whole line exceeds 20 miles but does not exceed 30 miles, \$45 per mile for each mile of track when the whole line exceeds 30 miles but does not exceed 50 miles, and \$60 for each mile of track when the whole line exceeds 50 miles. In all cases the mileage shall be computed on the single track, each mile of double track being counted as two miles of single track: but in calculating the mileage mere switches or sidings, tracks into car stables or car sheds, Y's and curves laid at street corners and portions of track not in general use for passenger traffic shall not be counted. By street railway and electric railway companies.

7. Every

By telegraph  
companies.

7. Every telegraph company which owns a line or part of a line of telegraph where the same or part thereof is operated or worked by others or by any company other than the owners within the Province of Ontario, shall pay a tax of one-tenth of one per cent. on the paid up capital of such company; and every company which operates or works in the Province of Ontario a telegraph line or part of a telegraph line or one or more lines or parts thereof under lease or agreement with the owners of such line or lines or parts thereof shall pay a tax of one-tenth of one per cent. upon the paid up capital of such company and both the company or companies owning the lines or parts thereof and the company or companies or persons operating or working the said line or lines or part or parts thereof as aforesaid shall be jointly and severally liable for the payment of the amount of the taxes to the Provincial Treasurer.

By railway  
companies,  
etc., operating  
telegraph  
lines

8. Every railway or other company, other than a telegraph company, which owns or operates a line or lines or part of a line or lines of telegraph operated in the Province shall pay a tax of one-tenth of one per cent. upon the total amount of capital invested in the whole telegraph line or lines or works.

(a) Nevertheless the Lieutenant-Governor in Council shall have power to remit the tax upon the capital invested in so much of the line or lines of telegraph or of a telegraph company as is used exclusively for the purpose of running trains or other purposes of the railway and not for commercial purposes and upon so much of the capital as shall be invested in such portions of any line or lines beyond the limits of Ontario.

By telephone  
companies.

9. Every telephone company working or operating a telephone line for gain in the Province shall pay a tax of one-eighth of one per cent. upon the paid up capital of such company.

By gas and  
electric light  
companies.

10. Every gas company and every electric lighting company in any city in the Province shall pay a tax of one tenth of one per cent. on its paid up capital, but this shall not apply to any gas or electric works owned and operated by a municipality.

By natural  
gas com-  
panies.

11 Every company engaged in producing natural gas in the Province or whose officers, servants, contractors, or lessees are so engaged, or any company or person or persons who are producing natural gas under an arrangement or agreement with the said first mentioned company shall pay the sum of \$1,500 ; and every other company transmitting or transporting natural gas shall also pay the sum of \$1,500 ; and each of the said companies, whether a producing or transmitting or transporting company, or both a producing and transmitting or transporting company, and every such person who is producing natural gas as aforesaid shall in addition pay a sum equal to

one per cent., calculated upon the gross receipts of the said company or person during the preceding year.

12. Express companies operating over 400 miles of railway or a fraction thereof in the Province, shall pay a tax of \$800, and shall pay an additional tax of \$125 for every additional 400 miles, or fraction thereof. By express car companies.

13. Every company doing business in the Province by either leasing or hiring sleeping cars or parlour cars to a railway company or to railway companies, or whose sleeping or parlour cars run upon or are used by a railway company or railway companies within the Province shall pay the sum of one-third of one per cent. upon the capital of the company invested in such cars and rolling stock in use in Ontario during the preceding year. By sleeping car companies.

3. The Lieutenant-Governor in Council shall have power to remit or reduce taxation on any natural gas company where it is shown that it is a small domestic company organized and managed for the purpose of lighting and producing heat for mere domestic or local purposes within the county in which the gas is produced or where it is shewn that the producing power of the gas wells has become greatly lessened by use or time, or may reduce the amount of the foregoing taxes upon a company having paid up capital stock of less than \$5,000. Remission or reduction of tax on natural gas company.

4. Where natural gas companies or natural gas transmitting companies produce or transmit gas for export, the price or charge at which the same shall be supplied to municipalities, companies and persons shall be subject to regulation by the Lieutenant-Governor in Council. Regulation of charges of natural gas companies by Lieutenant-Governor in Council.

5. It shall be lawful for the Lieutenant-Governor in Council when the head office or principal place of business of any bank is in any Province of the Dominion other than Ontario, and it employs within this Province only a part of its paid up capital, and has not more than five agencies or branch offices within the Province, to reduce the amount of the tax, regard being had to the amount of the capital or other monies of such bank at any time in use in this Province; but the tax exacted shall not in any such case be less than one-tenth of one per cent. upon one-half of the paid up capital of such bank. Lieutenant-Governor may reduce tax on banks having head office out of Ontario.

6. Banks, street or electric railway companies in cities, telegraph companies, telephone companies, gas companies and electric lighting companies, natural gas companies, companies transmitting natural gas, express companies, and sleeping or parlour car companies which pay the taxes by this Act imposed thereon, shall continue to be assessable and taxable for municipal purposes as heretofore, that is to say as they were by law assessable or taxable on the first day of February, 1899. Banks and certain companies still liable to municipal assessment.



Insurance companies—where not liable to municipal assessment.

7. Where an insurance company pays the tax by this Act imposed, no assessment shall be made or tax levied by or on behalf of the municipality in which the head office is situate upon such company in respect of so much of the income of the company as is derived from places or localities other than the municipality in which the head office is situated; but nothing in this section contained shall prevent the assessment or taxation of share or stock holders resident in such last mentioned municipality or of share or stock holders resident in other municipalities by such last named municipalities as by law such share or stock holders were assessable and taxable on the first day of February, 1899. The premiums received by a company are not assessable by a municipality.

Loan companies—where not liable to municipal assessment.

8. Where a loan company pays a tax by this Act imposed, no assessment shall be made or tax levied by or on behalf of the municipality in which the head office is situated upon such company in respect of so much of the income of the company as is derived from moneys invested in municipalities or places other than the municipality in which the head office is situated; but nothing in this section contained shall prevent the individual assessment or taxation of share or stock holders resident in such last mentioned municipality or of share or stock holders resident in other municipalities by such last named municipalities as by law they were assessable and taxable on the first day of February, 1899.

Trust companies—where not liable to municipal assessment.

9.—(1) Where any trust company pays the tax by this Act imposed no assessment shall be made or tax levied upon such company by the municipality in which the head office of such company is situated for or in respect of trust monies or securities therefor or income arising therefrom or the personal property held by such company for or on account of persons or beneficiaries who reside within the Province elsewhere than in the aforesaid municipality; but nothing in this section contained shall prevent the assessment or taxation of the last mentioned persons or beneficiaries resident in other municipalities by such other municipalities as by law they were assessable and taxable on the first day of February, 1899.

(2) Companies whose assessment is affected by sections 7, 8 and 9 of this Act shall keep their books of account in such manner as will show and as will enable the assessor to determine at what sum the company is assessable in the municipality in which the head office in the Province thereof is situated.

Assessment of insurance companies, etc., for 1899.

10. Where any insurance company, loan company, or trust company which is liable to pay the tax imposed by this Act, has been assessed by the municipality in which the head office of the company is situated in the year 1898 for the year 1899 in respect of income or personal property such company shall

not



not be liable to be assessed and shall not be compelled to pay a greater rate or tax in respect of such assessment than could have been imposed under and in accordance with the provisions of the three next preceding sections, and for the purpose of ascertaining what the proper assessment should be under the said sections an appeal may be had to the county judge within sixty days from the passing hereof in the manner provided in the case of appeals from the Court of Revision notwithstanding that the roll may have been finally revised and the assessment roll shall be corrected according to the decision of the judge. An appeal shall lie to the Court of Appeal from the decision of the judge of the County Court under this section and the procedure on such appeal shall be as provided by subsection 6 of section 84 of *The Assessment Act*.

Rev. Stat.  
c. 224.

**11.** The assessment and taxation of railway companies shall continue to be made under and in accordance with section 31 of *The Assessment Act*, and railways shall not be liable to municipal assessment or taxation of the tracks and roadways upon or along any street or highway.

Railways to  
continue  
liable to  
assessment  
under Rev.  
Stat. c. 224.

**12.** Where any country or any state of any country imposes a tax or license fee which has the effect of discriminating against insurance companies or against any classes of insurance companies organized under the laws of Canada or of this Province and which have their principal offices in Ontario, and which has the effect of placing a tax or license fee which is higher or greater than the tax or license fee which home companies in such state or country are made to pay, the Lieutenant-Governor in Council may by order direct that any insurance company or companies to be named in the order in council, and which are organized in or under the laws of any such country or state, or have their head or principal office in such country or state, and which transact insurance business in the Province shall pay in addition to the tax under this Act any tax or percentage in addition to that imposed by clause 2 (a) of section 2 of this Act calculated on the gross premiums received by such last mentioned company or companies in respect of the business transacted in the said Province during the preceding year, but so that such increase shall not exceed the equivalent of the extra tax or license or both imposed in such country or state on or against the company or companies or class or classes of companies first referred to in this section.

Insurance  
companies in-  
corporated  
under laws  
discriminating  
against Cana-  
dian com-  
panies.

**13.** Nothing in this Act contained shall affect or interfere with any special assessment by a municipality upon property benefited by any local improvement for the cost of such local improvement.

Local im-  
provement  
taxes not  
affected.

**14.** The said taxes shall in the year 1899 be payable on the first day of November, and thereafter shall be payable on the first day of June in each and every year.

When tax to  
be payable.

Returns by  
companies  
liable to tax.

**15.**—(1) On or before the first day of July in the year 1899 and thereafter on or before the first day of April in each year every corporation or company on which a tax is by this Act imposed and which is doing business in the Province shall without any notice or demand to that effect from the Government deliver in duplicate to the Provincial Treasurer a detailed statement in which shall be set forth the name of the corporation or company, its business, the amount of its capital stock, and the amount thereof paid up; and in addition in the case of a bank the number of offices and agencies thereof in the Province; and in the case of companies under or within clause 13 of section 2 the amount of capital of the company used or invested in sleeping or parlour cars or rolling stock of such classes of cars used in the Province during the preceding year, and in the case of railways, the number of miles in use or operation in the Province during the preceding year, and in the case of street railways or railways operated by electricity and other companies paying a mileage rate the number of miles in operation in any city or cities within the Province during the preceding year.

Verification of  
returns.

(2) Such statement and the information required by this section shall be made and furnished by and under the oath of the president and manager or of the manager and vice-president having personal knowledge of the affairs of the company and in the case of extra Provincial companies by the manager or chief agent of the company in Ontario and the accountant or secretary thereof or by such other person or persons connected with the company or corporation as the Treasurer may require and shall be in accordance with one of the forms in Schedule A hereto or upon such other forms as may be from time to time provided by the Lieutenant-Governor in Council.

Oaths—who  
may administer.

(3) Any oath required to be taken under this Act may be taken before a commissioner for taking affidavits or a notary public.

Penalty for  
not making  
returns.

**16.**—(1) Every corporation or company which, and the manager or agent in the Province of any company as aforesaid who, neglects to conform to the provisions of the preceding section shall each be liable to a penalty of \$20 per day for each day during which default is made and the company shall also be liable to pay a tax of double the amount for which it would have been liable under the preceding sections, and any penalty or such double tax may be recovered with costs in any court of competent jurisdiction in an action brought in the name of the Treasurer aforesaid to be tried by a judge without a jury.

(2) In any such action the said Treasurer shall have the same right either before or after the trial to require the production of documents, to examine parties or witnesses or to  
take

take such other proceedings in aid of the action as a plaintiff has or may take in an ordinary action.

17. The Treasurer may for good cause enlarge the time for making any such return.

Enlarging  
time for  
making  
return.

18.—(1) All premiums payable to any insurance company on or in respect of any policy or renewals thereof shall for the purposes of this Act be deemed to be payable and shall be made payable within the Province by any and every insurance company doing business in the Province, and the taxes aforesaid shall be payable by the company as aforesaid upon and in respect of all such premiums whether they are paid or made payable in the Province or elsewhere than in the Province and whether such premiums are earned wholly or partly in Ontario, and wherever the policies are issued to or held by persons who resided at the time of the issue of the policy or who afterwards reside in Ontario, and whether the business in relation to such policies is or was transacted in whole or in part within Ontario or elsewhere.

Premiums to  
be deemed  
payable in  
Province.

(2) Every insurance company or in the case of extra-provincial insurance companies the chief agent in Ontario of each such company and other person making the affidavit or return shall, in addition to the other particulars, state in the return the gross premiums received during the preceding year by the company in respect or on account of business done wholly or in part or of policies issued to or held by persons residing in the Province of Ontario whether such premiums were so received by the company within the Province or were received by the company elsewhere in respect of such Ontario business.

Additional re-  
turns by in-  
surance com-  
panies.

(3) Every insurance company shall keep a separate book or set of books in which shall be correctly entered from time to time the premiums and all other receipts by the said company in respect of or accruing from business done by the said company wholly or in part in the Province of Ontario including the business of the year 1899, and in default thereof, and also in default of compliance with subsection 1 of this section the company shall pay the tax on the total gross premiums and gross income of the company

Books to be  
kept by insur-  
ance com-  
panies.

19. In case of default in payment of any taxes by this Act imposed the same may be levied and collected with costs by distress upon the goods and chattels wherever found of the company liable therefor under a warrant signed by the Treasurer of the Province directed to the sheriff of any county or counties in which the company in arrear may have any goods or chattels and in such case the sheriff shall realize the said taxes or so much thereof as may be in arrear and all costs by sale of such goods or so much thereof as may be necessary to satisfy the said warrant and costs or the said

Collection of  
tax.

taxes



taxes or the penalty and double tax provided by this Act or both may at the option of the Treasurer be sued for and recovered with costs in any court of competent jurisdiction in an action to be brought in the name of the Treasurer, and the action or suit shall be tried by a judge without a jury.

Enforcing  
payment by  
injunction  
against  
natural gas  
company.

**20.** In addition to any other remedies for the recovery of the tax imposed by clause 11 of section 2 of this Act on natural gas companies and companies transmitting or transporting natural gas an injunction or an order in the nature of an injunction or such other remedy or relief as may be proper at the instance and in the name of the Provincial Treasurer may be obtained to prevent any such company from carrying on its operations at any time after and while it is in default in the payment of the tax due by it and unpaid.

Insolvency—  
tax to be a  
preferred  
claim.

**21.** In case of liquidation or insolvency of any of the corporations or companies upon which a tax is by this Act imposed the amount unpaid of such tax shall be a first lien or a preference claim upon the estate of such corporation or company subject to the provisions of any statute of Canada and to the costs and charges of liquidation or insolvency proceedings.

Requisition  
by treasurer  
for further in-  
formation.

**22.** If the Treasurer in order to enable him to determine whether a statement furnished is correct, desires to obtain further information, he may by registered letter addressed to the president, manager, secretary, or agent of the corporation or company require a further statement to be furnished under oath within thirty days.

Commission of  
enquiry.

**23.** In case the required information is not furnished or in case the Treasurer is not satisfied therewith the Lieutenant-Governor in Council may direct inquiry to be made by a commissioner or commissioners, appointed under *The Revised Statute respecting Enquiries concerning Public Matters* and the determination of such commissioner or commissioners, after giving the parties an opportunity to be heard, shall, for the purpose of this Act, be final as to the particulars mentioned in their report, but the Lieutenant-Governor in Council may for cause vary the said report; but the amount found by the commissioner or commissioners shall not be increased without giving the company or its agents or solicitor an opportunity of being first heard.

Rev. Stat.  
c. 19.

Costs of com-  
mission.

**24.—(1)** If the inquiry is occasioned by failure to furnish the information required by the Treasurer the company or corporation shall pay the costs of the inquiry, subject to the next succeeding section, but if the statement is found to be correct and the required information was duly furnished the Treasurer may direct the costs or such of them as were necessary to be paid by the Province and he may for



this purpose settle the same or may direct a taxation thereof.

(2) In case the commissioner or commissioners shall find that the statement filed understates the amount on which the tax should be paid, the company or corporation besides paying the costs of the inquiry shall pay as a tax such sum as shall be found payable under the report of the commissioner or commissioners with fifty per cent. added to the amount of the entire tax as the same would have been computed under the preceding sections unless the Lieutenant-Governor in Council shall otherwise order.

Additional tax where amount understated.

(3) The costs of the commission shall be determined and certified by the Treasurer, or he may direct the same to be taxed, and when payable to the Crown the same may be recovered in the manner hereby provided for the recovery of taxes.

Taxation of costs.

(4) If the Treasurer directs the costs to be taxed the same shall be taxed by either of the Taxing Officers of the High Court.

Who to tax costs.

**25.** When the commissioner or commissioners have found that the statement so filed as aforesaid understates the amount on which the tax should be paid, but also certify that such understatement was not made with the intent and for the purpose of decreasing the amount of taxes to be paid but was made in good faith and with no improper motive, the Lieutenant-Governor in Council may, upon the recommendation of the Treasurer, remit so much of the added per centage and so much of the costs as to him in his discretion may seem meet.

When understatement of amount made in good faith.

**26.** "Preceding year" in this Act shall mean the year ending the 31st of December next before the time when the taxes hereby imposed are payable, and the said taxes shall be levied upon the paid up capital stock, mileage or other basis of taxation as the same stood on the said 31st day of December, and the statement hereinbefore required shall give the information specified as of the said date.

"Preceding year," meaning of.

**27.** In any action brought by the Treasurer under this Act it shall be sufficient if the action is brought by "the Treasurer of the Province of Ontario" as plaintiff and it shall not be necessary to name the Treasurer and the action shall not abate by reason of a change in the person of Treasurer but the action may proceed as though no change had been made.

Actions to be brought by "the Treasurer of the Province of Ontario."

**28.** The penalties under this Act shall be recovered only at the instance or under the authority or by the consent of the Attorney-General of the Province.

Penalties to be recovered by Attorney-General.

**29.** This Act shall come into force immediately upon the passing thereof.

Commencement of Act.

## SCHEDULE A.

## FORM OF STATEMENT TO BE FURNISHED BY BANKS UNDER SECTION 15.

We of in the County of in the County of , each for ourselves make oath and say as follows :

(1) That I, the said , am the President (or, as the case may be (a) ) and that I, the said , am the Manager of the Bank of (as the case may be (a) ).

(2) That the head office of the said Bank is situated at . (See clauses 5 and 6 of section 2 ).

(3) That we have personal knowledge of the affairs of the said Bank.

(4) That the amount of the capital stock of the said Bank is \$ .

(5) That the amount of the paid-up capital stock of the said Bank is \$ .

(6) That the said Bank has its principal office or place of business in the Province of Ontario at the of , and the said Bank has in addition thereto offices, branches or agencies in the following places, that is to say :

(NOTE.—In cases coming within section 5 the following to be added :)

(7) The amount of the paid up capital of the said bank which was employed in Ontario during the year was the sum of \$

Sworn before me at the  
 of in the  
 County of this  
 day of , 18 .

## FORM OF STATEMENT TO BE FURNISHED BY INSURANCE COMPANIES UNDER SECTION 15.

We, of , in the County of and of in the County of , each for ourselves make oath and say as follows :

(1) That I, the said , am the President (or, as the case may be (a) ) and I, the said , am the Manager (as the case may be (a) ) of the Company (state the name in full of the company.)

(2) That the head office of the said company is situated at . (See clauses 5 and 6 of section 2).

(3) That the business of the said company is that of fire insurance (or, as the case may be).

(4) That we have personal knowledge of the affairs of the said company.

(5) That the amount of the capital stock of the said company is \$ .

(6) That the amount of the paid-up capital stock of the said company is \$ .

(7) That the amount of the gross premiums received during the year by the said company in respect of or on account of business done wholly or in part or of policies issued to or held by persons residing in the Province of Ontario was the sum of \$ .

NOTE.—In the case of a company coming within clause 2 (b) of section 2 the following to be added :

(a) NOTE.—In the case of extra Provincial companies the affidavit is to be made by the manager or chief agent of the company in Ontario and the accountant or secretary thereof, or by such other person or persons connected with the company or corporation as the Provincial Treasurer may require.

(8) The said company lends money on security and has invested in the Province of Ontario the sum of \$ . the income derived from which was during the year the sum of \$ .

Sworn before me at  
of in the  
County of this  
day of , A.D. 18 . }

FORM OF STATEMENT TO BE FURNISHED BY LOAN COMPANIES.

We, , of , in the County of , and  
of to the County , each for ourselves  
make oath and say as follows :

(1) That I, the said , (or, as the case may be (a) ) and I, the said , am the manager (or as the case may be (a) ) of the company (state name of company in full).

(2) That the head office of the said company is at . (See clauses 5 and 6 of section 2).

(3) That the business of the said company is that of a loan company.

(4) That the amount of the capital stock of the said company is \$ .

(5) That the amount of the paid-up capital stock is \$ .

NOTE.—In the case of a loan company having its organization or head office in Great Britain or Ireland the following to be added :

6 That the amount of the funds of the said company which was in use or employed in Canada during the year was the sum of \$ .

(a) NOTE.—In the case of extra Provincial companies the affidavit is to be made by the manager or chief agent of the company in Ontario and the accountant or secretary thereof or by such other person or persons connected with the company or corporation as the Provincial Treasurer may require.

## CHAPTER 9.

## An Act respecting Succession Duties.

*Assented to 1st April, 1899.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Recovery of  
succession  
duties under  
Rev. Stat. c.  
24, by action.

1. Any sum payable under *The Succession Duty Act* shall be recoverable with full costs of suit as a debt due to Her Majesty from any person liable therefor by action in any court of competent jurisdiction and it shall not in any case be necessary to take the proceedings authorized by sections 6 to 10 of the said Act.

Matters to be  
determined by  
High Court in  
action.

2. The High Court shall also have jurisdiction to determine what property is liable to duty under the said Act, the amount thereof and the time or times when the same is payable, and may itself or through any referee exercise any of the powers which by the said sections 6 to 10, are conferred upon any officer or person.

Action may be  
brought before  
time for pay-  
ment of duty.

3. Subject to the discretion of the Court as to costs, an action may be brought for any of the purposes in this Act mentioned notwithstanding the time for the payment of the duty has not arrived.

Production of  
documents,  
examination of  
witnesses, etc.

4. In every such action Her Majesty's Attorney-General shall have the same right either before or after the trial to require the production of documents, to examine parties or witnesses or to take such other proceedings in aid of the action as a plaintiff has or may take in an ordinary action.



5. Where for the better determining any question raised in any such action the Court deems it advisable to order the trial of an issue or issues it may give such directions in that behalf as it deems expedient. Ordering trial of issues.

6. In case the Court shall think fit at any time to direct a reference such reference need not be to a surrogate registrar or to a sheriff but may be to an officer of the Court as provided by *The Judicature Act*. References.

7. An appeal shall lie in an action brought under this Act wherever an appeal would lie if the action were between subject and subject and to the like tribunal. Appeals in actions under Act.

8. Where any property which has, previous to the death of a person whose estate is subject to duty, been conveyed or transferred to some other person is declared liable to duty the Court may declare the duty to be a lien upon the property and may make such declaration although the amount of such duty has not been ascertained, and where any property which, had it remained in the hands of the person to whom or for whose benefit it was conveyed or transferred by such deceased person, would have been liable to duty, has been conveyed or transferred to any purchaser for valuable consideration, the Court may direct the person to whom or for whose benefit the said property was conveyed or transferred by such deceased person as aforesaid to pay the amount of the duty to which such property would have been subject as aforesaid. Declaration as to liability of property transferred before death.

9. In case it is claimed that any land or money secured by any mortgage or charge upon land is subject to duty the Provincial Treasurer or the Solicitor to the Treasury acting in his behalf may when deemed necessary cause to be registered in the proper registry office, or if the land is registered under *The Land Titles Act* in the proper office of land titles, a caution stating that succession duty is claimed by the Provincial Treasurer in respect of the said land, mortgage or charge on account of the death of the deceased, naming him, and any subsequent dealing with such land, mortgage or charge shall be subject to the lien for such duty, but nothing herein contained shall affect the rights of the Crown to claim a lien independently of the said caution. Registration of caution.  
Rev. Stat. c. 138.

10. The preceding sections shall apply to the estates of all persons in respect of which the duty is claimed whether such persons have died before or shall die after the passing of this Act. Retrospective operation of preceding provisions.

11. Section 4 of *The Succession Duty Act* is amended by inserting the following as clauses (g) and (h) of subsection 1. Rev. Stat. c. 24 s. 4 amended.

(g)

Property of which deceased was competent to dispose liable to duty.

Imp. Act, 57-58 Vict. c. 30, s. 2 (a), and s. 22 (2).

Estates in dower or by curtesy.  
Imp. Act, 57-58 Vict., c. 30, s. 22 (3).

Aggregate value of estate—property out of province to be included.

Foreign executors etc. not to transfer stocks, etc., until duty paid

Rev. Stat. c. 24, s. 8, amended.

Remedies to be in addition to those under Rev. Stat. c. 24.

(g) Any property of which a person dying after the coming into force of this section was at the time of his death competent to dispose; and a person shall be deemed competent to dispose of property if he has such an estate or interest therein or such general or limited power as would if he were *sui juris* enable him to dispose of the property as he thinks fit or to dispose of the same for the benefit of his children or some of them, whether the power is exercisable by instrument *inter vivos* or by will or both, including the power exercisable by a tenant in tail whether in possession or not but exclusive of any power exercisable in a fiduciary capacity under a disposition not made by himself or as mortgagee. A disposition taking effect out of the interest of the person so dying shall be deemed to have been made by him whether the concurrence of any other person was or was not required. Money which a person has a general power to charge on property shall be deemed to be property of which he has the power to dispose.

(h) Any estate in dower or by the curtesy in any land of the person so dying to which the wife or husband of the deceased becomes entitled on the decease of such person.

12. In determining for the purposes of sub-sections 3 to 6 of section 4 of *The Succession Duty Act* the aggregate value of the property of any person dying after this section takes effect, the value of his property situate outside of this Province shall be included as well as the value of the property situate within this Province.

13. No foreign executor or administrator shall assign or transfer any stocks or shares in this Province standing in the name of a deceased person or in trust for him which are liable to pay succession duty until such duty is paid to the Treasurer of the Province or security given as required by section 5 of the said Act and any corporation allowing a transfer of any stocks or shares contrary to this section shall be liable to pay the duty payable in respect thereof.

14. Section 8 of *The Succession Duty Act* is amended by substituting the word "four" for the word "five" in the twenty-third line thereof.

15. The remedies herein provided shall be in addition to those provided by *The Succession Duty Act*.

## CHAPTER 10.

## An Act to amend The Mines Act.

*Assented to 1st April, 1899.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 2 of section 11 of *The Mines Act* is repealed and the following substituted therefor :

Rev. Stat.  
c. 36, s. 11,  
amended.

(2) In the case of a blast furnace which uses charcoal or peat made within the Province as the sole fuel in smelting ores, payment may be made out of the Fund of fifty cents per ton on the proportion of pig metal the product of ores not mined in Ontario, subject to the condition that the following yearly proportions of Ontario ores are smelted therewith :

In case of a  
charcoal fur-  
nace using  
foreign ores.

- (a) In first period of two years, not less than 20 per cent.
- (b) After two years, not less than 40 per cent.
- (c) After four years, not less than 60 per cent.
- (d) After six years, not less than 80 per cent.
- (e) After eight years, not less than 100 per cent.

And payment on the proportional product of Ontario ores shall be on the basis of one dollar per ton of pig metal. But in case the proportion of Ontario ores smelted in a blast furnace shall in any year of a period fall below the percentages herein specified, there shall in such year be deducted from the pay-

ment of fifty cents per ton on the product of ores not mined in the Province a percentage thereof equal to the percentage of deficiency in the requisite amount of Ontario ores; provided, however, that if the proportion of Ontario ores smelted in any year is less than 20 per cent., no payment shall be made out of the Fund to such furnace for that year in respect of the product of ores not mined in the Province.

Not more than \$25,000 to be paid out in any year.

(3) Should so large a quantity of ore be raised or mined and smelted in any one year that the sum of \$25,000 will be insufficient to meet the payments provided for in the preceding subsections, then payments to the miners or producers thereof shall be made upon a *pro rata* basis, so that no more than \$25,000 shall be paid for the produce of ores in any one year.

Rev. Stat. c. 36, s. 14, amended.

2. Section 14 of the said Act is amended by adding thereto the following subsection:—

Use of the word Bureau.

(2) No person, firm, syndicate or company conducting a mining business of any sort or kind in the Province shall use the word "Bureau" to describe the name or title under which such business is carried on; and every person contravening this provision shall, for every day on which such contravention occurs, or continues, or is repeated, incur a fine of not more than \$20 and costs; and in default of payment of the fine and costs such person may be imprisoned for a period not exceeding one month.

Right to stake out locations in unsurveyed territory.

3.—(1) Where a part of the Province in unsurveyed territory and outside of a Mining Division is shown to the satisfaction of the Commissioner of Crown Lands to have no value for pine timber, a prospector or an explorer for minerals may, under regulations made by the Lieutenant-Governor in Council, stake out not more than two mining locations of forty acres each in any one calendar year, subject to the general provisions and conditions of sections 26, 27, 28 and 29 of the said Act; and he may hold such locations for a period of two years subject to an expenditure of \$3 per acre in the first year and \$7 per acre in the second year for actual mining work, after which he shall be required to complete his application as provided in a case of ordinary sale or lease of a mining location in the said Act.

License.

(2) No prospector or explorer may proceed to stake out or develop a location under the provisions of this section unless and until he has procured from the Commissioner of Crown Lands a license so to do, for which he shall pay a fee of \$10, and such license shall continue in force for one year from the date thereof, and may be renewed from year to year upon payment of the same fee.

Rev. Stat., c. 36, s. 26, subs. 4 amended.

4. Sub-section 4 of section 26 of the said Act is amended by adding thereto the words "and the Crown or its officers shall have the right to lay out roads where deemed necessary."



5. Section 31 of the said Act is repealed and the following is substituted therefor:— Rev. Stat.  
c. 36, s. 31,  
amended.

31. The price per acre of all Crown lands to be sold<sup>a</sup> as Price of min-  
ing lands.  
minings lands or locations shall be :

- (a) If in surveyed territory within six miles of any railway ..... \$3 50
- (b) If in surveyed territory within twelve miles of any railway ..... 3 00
- (c) If situate elsewhere in surveyed territory..... 2 50
- (d) If in unsurveyed territory and within six miles of any railway..... 3 00
- (e) If in unsurveyed territory within twelve miles of any railway ..... 2 50
- (f) If situate elsewhere in unsurveyed territory . . . 2 00

The price<sup>a</sup> per acre for a patent of mining rights shall be one-half of the above rates.

6. Section 32 of the said Act is amended by striking out the word "ten" in the fifth line thereof, and inserting the word "five" in its stead. Rev. Stat.  
c. 36, s. 32,  
amended.

7. Section 34 of the said Act is amended by striking out the words "section 31" in the second line and inserting the words "sections 31 and 32" in lieu thereof; and by inserting after the word "years" in the ninth line thereof the words "or its equivalent in less time"; and by adding thereto the following subsection : Rev. Stat.  
c. 36, s. 34,  
amended.

(3) It shall be the duty of the grantee, owner or holder of a mining location to make a report of the performance of the mining operations herein required according to a form which may be obtained on application to the Director of the Bureau of Mines, and such report duly verified by affidavit shall be completed and forwarded to the Director of the Bureau within thirty days after the end of the year or term of years, as the case may be, for which the expenditure is required. Duty in  
regard to  
report of ex-  
penditure.

8. Section 35 of the said Act is repealed and the following is substituted therefor: Rev. Stat.  
c. 36, s. 35,  
repealed.

35—(1) Instead of granting any mining lands in fee simple the same may be leased or demised for a term of ten years, and unless otherwise provided by regulation the rental for the first year shall be \$1 per acre, and for each year of the term thereafter it shall be per acre : Leases of min-  
ing lands  
authorized.

- (a) If in surveyed territory within six miles of a rail- Rental.  
way ..... 30c
  - (b) If in a surveyed township within twelve miles of  
a railway ..... 25c
- (c)

- (c) If situate elsewhere in surveyed territory ..... 20c  
 (d) If in unsurveyed territory within six miles of a  
       railway ..... 25c  
 (e) If in unsurveyed territory within twelve miles of a  
       railway . . . . . 20c  
 (f) If situate elsewhere in unsurveyed territory. .... 15c

The rental of mining rights when leased shall be one-half of the above rates.

Conditions of  
lease.

(2) Every such lease shall be subject to such covenants and conditions on the part of the lessee, his executors, administrators and assigns, to be paid, observed and performed, as shall be provided by regulation.

Removal of  
machinery on  
expiry of  
lease.

(3) The said lease may among other things provide for the removal, in case of forfeiture or non-renewal of the lease, of any mining plant and machinery which the lessee, his executors, heirs and administrators shall have placed or erected upon the said premises.

Expenditure  
upon lands  
leased.

(4) There shall be expended in stripping or in opening up mines or in sinking shafts or in other actual mining operations the like sums upon lands leased under the provisions of this Act as is provided by section 34 of *The Mines Act* R.S.O., 1897, as amended by this Act, shall be expended in the case of sales or grants and within the like periods, and in default of such expenditure the lease shall be forfeited and become absolutely void, and the said lands, mines and minerals shall, upon an Order in that behalf being made by the Lieutenant-Governor in Council upon the report of the Director of the Bureau of Mines that such expenditure has not been made, revert to and become the property of and be vested in Her Majesty, her successors and assigns, and shall cease to be the property of any other person or persons whatsoever. 55 V. c. 9, s. 14.

Lease convert-  
able into a  
patent.

(5) At the expiration of the said term of ten years for which a mining location has been leased, if the yearly rental has been paid and if all the covenants and conditions of the lease have been fulfilled, the lessee shall be entitled to receive a patent for the location; or he may at any time during the demised term, upon payment of rent for the full period of the term and performance and fulfilment of all other covenants and conditions of the lease, obtain a patent for the location; and the provisions of this subsection may apply to any mining locations heretofore leased under the terms of *The Mines Act*.

Rev. Stat.,  
c. 36 s. 39  
amended.

9. Section 39 of the said Act is amended by inserting the words "or granted" after the word "sold" in the first line thereof.

**10.** Subsection 2 of section 1 of chapter 11, 61 Victoria, being *An Act respecting Mining Claims*, is amended by striking out all the words between the word "regulation" in the third line thereof and the word "such" in the fifth line thereof. 61 V. c. 11  
s. 1, suba. 2,  
amended

**11.** Section 2 of the said Act is amended by striking out all the words after the word "lines" in the sixth line thereof. 61 V. c. 11,  
s. 2, amended.

**12.** Section 3 of the said Act is amended by striking out the word "three" in the fifth line thereof and inserting the word "four" in its place, and by striking out the word "two" in the sixth line thereof and inserting the word "three" in its place, and by inserting after the word "obtain" in the ninth line thereof the words "a certificate of full performance of the working conditions for the claim free from any further working conditions, renewal fee or miner's license to work the same, and also," and by inserting after the words "working conditions" in the eleventh line thereof the words "and miner's license to work the same," and by inserting after "1897" in the thirteenth line thereof the words "the boundary lines in such survey to follow the courses of the lines of the claim as originally staked out and recorded, or as the lines may have subsequently been altered, changed or corrected by the Inspector," and by adding at the end thereof the words "and the Commissioner of Crown Lands in granting patents under this subsection may grant at the same price to the owner of a claim any contiguous fraction or piece of land not staked of a less size than ten acres if surrounded by staked claims."

**13.** Subsection 1 of section 8 of the said Act is amended by striking out all the words after the words "or if" at the end of the fourth line thereof and by inserting in their place the words "\$150 shall not be expended upon each claim taken up except as hereinafter in this section provided in stripping, or in opening up mines, in sinking shafts, or in other actual mining operations, exclusive of all houses, roads and other like improvements in every calendar year, and the said expenditure shall consist of labour actually performed by grown men to be computed at the rate of \$2 per man per day;" and sub-section 2 of the same section is amended by striking out the word "four" in the first line thereof and inserting the word "five" in its place. 61 V. c. 11,  
s. 8, ss. 1 and  
2, amended.

## CHAPTER 11.

## An Act to amend the Statute Law.

*Assented to 1st April, 1899.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Forms of  
baths under  
Rev. Stat. c.  
8 amended.

1. The forms of oath to be taken by manhood suffrage voters applying for registration under *The Manhood Suffrage Registration Act*, being forms 9 and 10 in the schedule to the said Act as amended by *The Act to amend the Manhood Suffrage Registration Act* passed in the 61st year of Her Majesty's reign, chaptered 4, are amended by striking out the sixth paragraph in each of the said forms and inserting the following in lieu thereof:

“(6) That during the said period of three months you were residing at (*f*) in this municipality and that you now reside at (*ff*)”

The notes lettered (*f*) appended to each of the said forms are repealed and the following substituted therefor:

(*f*) Insert here the street and number of the house, or each of the houses, where the applicant resided during the said period of three months if they have street numbers, and if they have not street numbers then insert instead a brief description that will define the locality of each place of residence.

(*ff*) Insert here the street and number of the house where the applicant resides if it has a street number and if it has not then insert instead a brief description that will define its locality.

Rev. Stat.  
c. 7, s. 2, subs.  
4, amended.

2. Subsection 4 of section 2 of *The Ontario Voters' Lists Act* is amended by adding thereto the following words: “In

case



case of there being no Stipendiary Magistrate for any of the said districts or in case of the absence or illness of the Stipendiary Magistrate all the jurisdiction, duties and powers of that officer shall belong to and be performed and exercised by the District Judge.”

Revision of voters' lists in the districts.

3. Section 145 of *The Judicature Act* is amended by adding thereto the following subsections:

Rev. Stat. c. 51, s. 145, amended.

(2) The power of appointing local masters hereby conferred shall be deemed to include and to have always included power to appoint more than one local master in a county or union of counties and any such appointments heretofore made and all acts done by persons so appointed are confirmed, subject to any right of appeal which may exist on grounds other than those relating to the validity of any such appointment; but this subsection shall not affect any suit or action in respect of which judgment has been delivered and in which the validity of the appointment of a local master has been directly called in question or has been passed upon in the judgment of the Court.

Local masters, appointment of more than one in any county.

(3) In case of the illness or absence of a local master or upon his request in writing to be filed with the local registrar the judge, or junior judge or deputy judge (if any) of the county, after approval by the Lieutenant-Governor in Council, may act as such local master and while so acting shall have all the powers and may perform all the duties of such local master unless the Lieutenant-Governor in Council shall otherwise direct.

When county judge may act for local master.

4. Subsection 2 of section 159 of *The Judicature Act* is amended by adding thereto the following words, and the said subsection as so amended shall be deemed and held to have been in force since the coming into force of the Revised Statutes of Ontario, 1897:

Rev. Stat. c. 51, s. 159, subs. 2, amended.

“All moneys and securities for money vested in or held by the said Accountant or by the Official Guardian ad litem, or either of them, or by any one appointed to discharge the duties of either of the said officers shall be deemed to be vested in them in trust for Her Majesty. All such moneys and the proceeds of such securities shall nevertheless be paid out in accordance with any statute or with any rule, judgment, decree, or order of court, or Order-in-Council or otherwise as heretofore or as may be provided or directed by any such statute, rule, judgment, decree, or order, or Order-in-Council.”

Moneys, etc., vested in Accountant, Guardian, etc. to be deemed to be held in trust for Crown.

5. Section 161a of *The Judicature Act* added thereto by *The Act respecting the Investment of Court Funds*, 61 Victoria chapter 13, is hereby repealed and the following substituted therefor:

Rev. Stat. c. 51, s. 161a, amended.

Investments  
of court funds  
in municipal  
debentures.

161a. The Supreme Court of Judicature for Ontario may, if it shall see fit, authorize the investment of any of the funds standing in Court in the purchase of any debentures issued by any municipality in Ontario, except incorporated villages, and in case any such investment shall be so made the debentures so purchased shall not thereafter be questioned and shall be deemed to be valid to all intents and purposes.

Rev. Stat.  
c. 54, s. 3.  
amended.

6. Section 3 of *The Local Courts Act*, chapter 54 of the Revised Statutes, 1897, is amended by adding thereto the following proviso :

Qualification  
of county  
judges.

"Provided that any person who has been a practising solicitor for five years before becoming a barrister may be appointed if of seven years standing at the Bar of Ontario, and any person who has been a practising solicitor for ten years before becoming a barrister may be appointed if of five years standing at the Bar of Ontario. Provided further that where in any county it is expedient by reason of the common use of two or more languages by the inhabitants thereof to appoint a judge who is conversant with more than one language, a barrister who is so conversant may be appointed if of seven years' standing at the Bar of Ontario."

Affidavits in  
Division  
Courts.

7. No affidavit in any action in a Division Court, sworn before the Solicitor or Agent of the party on whose behalf it was made, or before the clerk or partner of such Solicitor or Agent, shall be used.

Rev. Stat. c.  
60, s. 104  
repealed.

8. Section 104 of *The Division Courts Act* is repealed and the following substituted therefor :

Substitutional  
service.

104. The Judge shall as regards the service of all summonses or other process in any matters within the jurisdiction of the Division Court have powers to grant orders for substitutional or other service by advertisement or otherwise in as full and ample a manner as might be done in like cases by the High Court under the existing rules of practice.

Rev. Stat. c.  
60 amended.

9. *The Division Courts Act* is amended by adding thereto the following section :

Power to  
direct non-  
suit or dismiss  
action.

175a. In all cases of trial by jury the judge shall have power to determine after hearing the whole evidence or the evidence adduced by or on behalf of the plaintiff alone whether there is in law any evidence in support of the plaintiff's case which ought to be submitted to the jury to pass upon, and if in his opinion there is no such evidence adduced in support of the plaintiff's claim he may direct a nonsuit or dismiss the action ; and in case of trial by jury the judge may direct the jury to answer any questions of fact stated to them by him for the purpose and in such case the jury shall answer such ques-

Submitting  
questions to  
jury.

tions

tions and upon such answers the judge shall enter such judgment as in his opinion may be proper. The judge shall as in other courts determine the law and shall direct the jury thereon.

**10.** Section 202 of *The Division Courts Act* is amended by adding thereto the following subsection :

Rev. Stat. c. 60, s. 202 amended.

(2) The provisions of section 160 and the following sections of this Act relating to juries shall apply and extend to claims to be adjudicated upon under this section so as to give either party a right to require a jury where the amount claimed exceeds \$30.

Right to jury in certain cases.

**11.** Section 103 of *The Jurors' Act*, chapter 61 of the Revised Statutes 1897 is amended by substituting the word "thirteen" for the word "twelve" in the first and eleventh lines, and the word "shall" for the word "may" in the seventh line of the said section.

Rev. Stat. c. 61, s. 103 amended.

Empannelling grand jurors.

**12.** *The Arbitration Act*, chapter 62 of the Revised Statutes 1897 is amended by adding thereto the following section :

Rev. Stat. c. 62, amended.

**52.** No submission or reference to arbitration heretofore or hereafter made shall be deemed to have been or be revoked by the death of any party thereto whether occurring before or after the passing of this Act.

Submission or reference not revoked by death.

**13.** Section 32 of *The Creditors' Relief Act*, chapter 78 of the Revised Statutes, 1897, is amended by adding the following thereto as clause 8.

Rev. Stat. c. 78, s. 32, amended.

**8.** In case an execution debtor shall subsequent to the receipt of the first execution by the sheriff and before the time for distribution has expired have executed any mortgage or chattel mortgage or otherwise charged any portion of his estate, the giving of such mortgage or other security shall not have the effect of preventing subsequent execution creditors or other creditors who shall have filed their claims as required by this Act from sharing in the distribution of the moneys realized by the sheriff, or the sheriff from selling the interest seized under the first execution, but in distributing the moneys so realized, the said sheriff shall deduct and retain for the person entitled thereto the amount of any incumbrance so created pro rata from the amount which would otherwise be payable to the said subsequent creditors.

Rights of subsequent execution creditors where first execution followed by a mortgage or sale.

**14.** Section 24 of *The Unorganized Territory Act* is amended by adding thereto the following subsection :

Rev. Stat. c. 109, s. 24 amended.

(1a) Where the offices of clerk or deputy clerk of the district court and registrar of deeds are held by the same person the judge

When district judge to be a selector of jurors.



judge of the district court shall be one of the selectors of jurors.

Rev. Stat.  
c. 109, s. 56  
amended.

**15.** Section 56 of *The Unorganized Territory Act*, chapter 109 of the Revised Statutes 1897 is hereby amended by adding thereto the following subsection :

Time of hold-  
ing courts.

(3) If the district judge, the sheriff and the division court inspector certify to the Lieutenant-Governor that in any division, from the amount of business, remoteness or inaccessibility, it is expedient that a court should not be held so often as once in every three months, the Lieutenant-Governor in Council may from time to time direct the court to be held at such periods as he considers expedient, but a court shall be held in the division at least once in every six months

Rev. Stat.  
c. 133, s. 41  
amended.

**16.** Section 41 of *The Real Property Limitation Act*, chapter 133 of the Revised Statutes, 1897, is amended by striking out the word "or" where it secondly occurs in the third line of the said section.

Application of  
Rev. Stat.  
c. 162, s. 28,  
extended.

Marriages  
solemnized by  
non-resident  
clergymen.

**17.** Section 28 of *The Marriage Act*, chapter 162 of the Revised Statutes, 1897, shall apply and extend to all marriages heretofore solemnized by clergymen or ministers duly ordained or appointed as such according to the rites and ceremonies of the churches or denominations to which they belong, notwithstanding that the person who solemnized any such marriage was not at the time a resident of this Province.

Rev. Stat.  
c. 180, s. 39.  
amended.

**18.** Section 39 of *The Ontario Land Surveyor's Act*, chapter 180 of the Revised Statutes 1897, is hereby amended by substituting "\$10" for "\$1" in clause 3 of the said section.

Penalty for  
non-compli-  
ance with 52  
V., c. 26,  
restricted.

**19.** No director of any company shall be adjudged to have heretofore become or shall hereafter become liable to any penalty or to have incurred any liability under section 2 of *The Act respecting the Limited Liability of Incorporated Companies*, passed in the 52nd year of Her Majesty's reign, chapter 26, by reason of any written contract or undertaking of the company not having distinctly written or printed on the face thereof after the name of the company where the same first occurs in such contract or undertaking the word "limited" or the words "limited liability" or by reason of the use of the abbreviation "Ltd." instead of the unabbreviated word or words aforesaid.

Retroactive  
operation of  
61 V. c. 19,  
s. 4.

**20.** Sub-section 7 of section 23 of *The Ontario Companies Act* (added thereto by 61 Victoria, chapter 19, section 4) shall be held to apply and to have applied from the passing thereof to then and now past as well as future cases or transactions except in any case in which judgment has been heretofore delivered.



**21.** Section 9 of *The Ontario Companies Act* is amended by inserting after the word "railways" in the eighth line thereof, the words "within the Province of Ontario."

Rev. Stat.,  
c. 191, s. 9  
amended.

**22.** No person shall be disqualified from being elected a member of the council of any municipal corporation or from being elected a member of any public school, separate school or high school board, or from sitting and voting in such council or board by reason only of his being proprietor of or otherwise interested in a newspaper or other periodical publication in which from time to time official advertisements are inserted by the council or board which appear in other newspapers or publications in the municipality or school district, or which is subscribed for by the council or board or by any of the departments or offices of the municipality or school district, although such advertisements or subscriptions are paid for at the usual rate out of the moneys of the municipal corporation or school board, but this shall not apply to any person who has entered into an agreement or contract with a municipal corporation or school board, to do at a specified rate all or the greater part of the printing required by such corporation or board during the term of such agreement or contract, but such member of council or school board shall not be entitled to vote where his own account is in question.

Newspaper  
proprietors  
inserting  
official adver-  
tisements  
not dis-  
qualified from  
sitting in  
councils, etc.

**23.** Subsection 8 of section 20 of *The Railway Act of Ontario* is amended by striking out the words "by the Judge aforesaid" occurring in the last line thereof and substituting the words "by the clerk of the county court."

Rev. Stat. c.  
207, s. 20 (8),  
amended.  
Taxation of  
costs of arbi-  
tration.

**24.** Section 22 of *The Manhood Suffrage Registration Act* is amended by adding thereto the following, as article (a):

Rev. Stat.  
c. 8, s. 22,  
amended.

(a) But in cities where the population is 20 000 or less according to the last assessor's enumeration it shall be sufficient if the registrars shall hold their sittings on three separate days instead of four, one of the said days being Saturday.

Sittings of  
registrars.

**25.** *The Act respecting the Administration of Justice in Criminal Matters*, chapter 104 of the Revised Statutes of Ontario, 1897, is amended by striking out item 2 in that part of the schedule of the said Act relating to Clerks of the Peace, and substituting the following therefor:—

Rev. Stat. c.  
104, amended.

Fees of clerk  
of the peace.

"2. Attending each General Sessions—(Tariff Item 2)."

**26.** The Commissioner of Crown Lands for the purpose of creating forest reserves may arrange with any holder of timber limits which have been cut over and upon which young pine is growing or which the Commissioner of Crown Lands is satisfied will generally reproduce pine timber for the surrender of such limits or any part thereof and upon such terms and conditions as to remission of any timber dues or ground rent or any part thereof which may be due or owing to the Crown in

Forests  
reserves.

Surrender of  
cut over  
timber land.

respect thereof and upon such other conditions as may be set forth in the report of the Commissioner of Crown Lands approved by the Lieutenant-Governor in Council, but no payment of money shall be made for such surrender until an appropriation for such purpose has been made by the Legislature. The order in council and the report of the Commissioner of Crown Lands shall be laid upon the table of the Legislative Assembly within the first two weeks of the session next after the date of the order in council.

Rev. Stat.  
c. 51, s. 77,  
subs. 2,  
repealed.

**27.—(1)** Sub-section 2 of section 77 of *The Judicature Act* is hereby repealed and the following substituted therefor :

Leave to appeal from divisional court to court of appeal.

“In case a party appeals to a Divisional Court of the “High Court in a case in which an appeal lies to the Court of “Appeal the party having so appealed shall be entitled afterwards to appeal from the Divisional Court to the Court of “Appeal upon obtaining leave so to do as hereinafter provided, “but any other party to the action or matter may appeal to the “Court of Appeal from the judgment or order of the Divisional “Court without obtaining such leave.”

Rev. Stat.  
c. 51, s. 77,  
subs 3,  
amended.

(2.) Subsection 3 of the said section 77 of *The Judicature Act* is hereby amended by inserting therein after the word “appeal” in the second line thereof the words “without leave.”

Section to be retrospective.

(3.) This section shall be construed prospectively and also retrospectively to the 7th day of April 1896.

Return of deposit to Ontario Gold Concessions Co.

**28.** The Lieutenant-Governor in Council may, upon the surrender of their License of Occupation, authorize the return to The Ontario Gold Concessions Company of the sum of \$20,000, being the amount of security deposited in connection with the contract entered into with Colonel William T. Engledue and others, bearing date the 17th day of February, 1897.

Apportionment of school moneys by township councils.

**29.** The municipal corporation of every township shall have power to apportion by by-law, among the public school sections in the township, the principal or interest of any investments held by the corporation for public school purposes according to the salaries paid the teachers engaged by the respective school sections during the past year, or according to the average attendance of pupils at each school section during the same period, as may be deemed expedient.

Rev. Stat.  
cap. 148, s. 15,  
amended.

**30.** Subsection 2 of section 15 of *The Bills of Sale and Chattel Mortgage Act* is amended by adding after the word “Algoma” in the second line thereof the word “Muskoka.”

Rev. Stat.  
c. 148, s. 15  
amended.

**31.—(1)** Subsection 3 of section 15 of the said *Bills of Sale and Chattel Mortgage Act* is amended by striking out in the second line thereof the word “Muskoka.”

(2) Subsection 3 of section 15 of the said *Bills of Sale and Chattel Mortgage Act* is further amended by adding thereto the following:

Rev. Stat.  
c. 148, s. 15  
amended.

“When and so soon as a vacancy shall hereafter occur in the office of the Clerk of the First Division Court in the said District of Parry Sound, the said instruments shall thereafter be filed within ten days from the execution thereof in the office of the District Court Clerk in the said District of Parry Sound.

**32.** Subsection 1 of section 5 of *The Trustee Investment Act* is amended as follows:—

Rev. Stat. c.  
130 s. 5 s.-s. 1  
amended.

By striking out all the words in clause (a) after the word “premium” in the eleventh line thereof, and by striking out all the words in clause (b) after the word “premium” in the eleventh line down to and including the word “stock” in the fourteenth line thereof..

Investments  
in debentures  
of loan com-  
panies and  
building socie-  
ties.

**33.**—(1) Sections 2, 3, 7, 8, 9 and 10 of *The Act respecting the Heir, Devisee and Assignee Commission*, chapter 31 of the Revised Statutes of Ontario, 1897, are hereby repealed and all the powers and jurisdiction which under the said Act are or were vested in the commissioners appointed thereunder are transferred to the High Court of Justice, and all the duties which by the said Act are to be performed by commissioners shall hereafter be discharged by a Divisional Court of the said High Court and the words “Divisional Court” shall be substituted for the word “commissioners” where the said last mentioned word occurs in the said Act.

Rev. Stat. c.  
31, ss. 2, 3, 7-  
10 repealed.

Divisional  
court sub-  
stituted for  
commissioners

(2) Section 11 of the said Act is amended by striking out the words “before any one of the commissioners or before any person specially appointed to receive the same by the commissioners or” occurring in the 11th, 12th and 13th lines thereof.

Rev. Stat.  
c. 31, s. 11  
amended.

(3) Section 24 of the said Act is amended by striking out the words “quorum of the commissioners” where they occur in the said section and substituting therefor the words “Divisional Court.”

Rev. Stat.  
c. 31, s. 24,  
amended.

(4) Sections 32, 33 and 35 of the said Act are repealed and copies of orders, reports or decisions of the Divisional Court shall be certified and receivable in evidence in the same manner as ordinary judgments.

Rev. Stat.  
c. 31, ss. 32, 33,  
35 repealed.

(5) Rules and forms with regard to proceedings under the said Act may be made in like manner and by the same authority as rules under *The Judicature Act* with reference to the High Court of Justice.

Rules and  
forms.

(6) *The Act respecting the Judges of the Supreme Court of Judicature for Ontario*, chapter 52 of the Revised Statutes of Ontario

Rev. Stat.  
c. 52 preamble  
and s. 1  
amended.



Ontario 1897, is amended by striking out the words "their travelling expenses in election trials" occurring in the preamble thereof, and by striking out the words "who is not entitled to receive an allowance under section 3 of *The Revised Statute respecting the Heir, Devisee and Assignee Commission*" occurring in section 1 of the said Act.

Rev. Stat.  
c. 28, s. 23,  
amended.

(8) Section 23 of *The Public Lands Act*, is amended by striking out the word "Commissioners" in the tenth line thereof and substituting therefor the words "Divisional Court."

Rev. Stat.  
c. 43, s. 15  
amended.

**34.** Section 15 of *The Agriculture and Arts Act* is amended by adding thereto the following sub-sections:

Arbitration in  
case of dis-  
agreement as  
to purchase of  
site for build-  
ing.

1a. If the owner of the land selected as a site for fairs and exhibitions approved of at a meeting of the society called for the purpose, refuses to sell the same or demands therefor a price deemed unreasonable by the board of directors, then such owner and such board of directors shall each forthwith appoint an arbitrator, and the arbitrators so chosen shall appoint a third arbitrator, and such arbitrators or a majority of them shall appraise the damages for such land.

Appointment  
of arbitrators.

2a. If the directors or the owner of such land selected as a site for fairs and exhibitions, neglects or refuses to appoint an arbitrator, the county judge of the county in which the district lies may appoint an arbitrator on behalf of the party so neglecting or refusing to appoint an arbitrator as aforesaid.

Powers of  
arbitrators.

3a. The arbitrator so chosen shall have the power to hear and determine all claims or rights of encumbrancers, lessees, tenants or other persons as well as those of the owner of the land required for the purpose of such site for fairs and exhibitions, upon notice in writing to every such claimant or person.

Taking land  
on payment  
of amount  
awarded.

4a. Upon payment of the amount of damages appraised by a majority of the arbitrators appointed as aforesaid, to the owner or other person entitled thereto by the directors, the land may be taken and used for the purposes aforesaid.

Award to  
give title to  
land.

5a. Any award for a site for fairs and exhibitions made and published under this Act if there be no conveyance shall thereafter be deemed to be the title of the society to the land mentioned in it, and shall be a good title thereto against all persons interested in the property in any manner whatever and shall be registered in the proper registry office, on the affidavit of the secretary and treasurer or secretary-treasurer of the directors verifying the same.

Payment of  
expenses of  
arbitration.

6a. The parties concerned in all such disputes shall pay all the expenses incurred in them, according to the award or decision of the arbitrators or a majority of them.



7a. The provisions of the foregoing subsections shall only be exercised after consent in that behalf shall have been obtained from the Lieutenant-Governor in Council by order in Council.

Consent of  
Lieutenant-  
Governor in  
Council.

35. The commissioners of the Queen Victoria Niagara Falls Park with the approval of the Lieutenant-Governor in Council and the Canadian Niagara Power Company may enter into an agreement for the surrender and abandonment of the sole or exclusive right to use the waters of the Niagara River within the limits of the said park granted by the agreement bearing date the seventh day of April, 1892, between the Commissioners for the Queen Victoria Niagara Falls Park acting therein on their own behalf and with the approval of the Government of the Province of Ontario, and therein called the Commissioners of the first part, and Albert D. Shaw, of Watertown, in the State of New York, Francis Lynde Stetson, and William B. Rankine, of the City of New York, in the State of New York, therein called the Company of the second part, and set out in Chapter 8 of the Statutes of Ontario, 1892, upon such terms and conditions as to abatement of rent, the extension of time for the completion of the contract under the said agreement or any variation of said contract and for other purposes in connection therewith as may to such commissioners and the Lieutenant-Governor in Council appear to be necessary or in the public interest and any such agreement so entered into shall be binding and effectual according to its terms.

Agreement for  
surrender of  
powers of  
Canadian  
Niagara  
Power Co.

36. The said commissioners with the approval of the Lieutenant-Governor in Council may enter into an agreement or agreements with any person or persons, company or companies, to take water from the Niagara River or from the Niagara and Welland Rivers at certain points within or without the said park for the purpose of enabling such person or persons, company or companies, to generate within or without the park electricity or pneumatic, hydraulic or other power, conducting and discharging said water through and across the said park or otherwise, in such manner, for such rental and upon such terms and conditions as may be embodied in the agreement or agreements and as may appear to the Lieutenant-Governor in Council to be in the public interest.

Agreements  
with other  
companies.

37. Section 5 of *The Ontario Anatomy Act* is hereby amended by adding after the words "to be" in the third line thereof of "a local," and by adding the following sub-section thereto:—

Rev. Stat.  
c. 177, s. 5,  
amended.

(a) The Lieutenant Governor may appoint during pleasure a person not connected with any school of medicine to be a general inspector of anatomy for the Province.

General  
inspector of  
anatomy.

Rev. Stat.  
c. 177 s. 6,  
amended.

(2) Section 6 of the said Act is hereby amended by adding after the word "every" in the first line thereof the word "local" and by adding as sub-section 7 thereto the following words:—

"It shall be the duty of each local inspector to furnish the name of each subject and the school to which it has been sent to the general inspector."

Rev Stat.  
c. 177, s. 14,  
amended.

(3) Section 14 is hereby amended by adding after the word "the" in the first line thereof the word "local" and after the figure "\$5" and before the word "for" in the first line thereof the words "and the General Inspector \$2," and by striking out in the third line after the word "paid" the words "to him."

Rev. Stat.  
c. 54, s. 5,  
sub-s. 5,  
amended.

**38.** Sub-section 5 of section 5 of *The Local Courts Act* is amended by inserting after the word "Haliburton" in the sixth line of said subsection, the words "nor to the County of Lambton."

---

## CHAPTER 12.

## An Act respecting Sureties.

*Assented to 1st April, 1899.*

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. In this Act "Surety Company" shall mean any incorporated company empowered to grant bonds by way of indemnity. "Surety Company," meaning of.

2. The Lieutenant-Governor in Council may by order in council direct that the bond of any such surety company named in such order in council may be given as security in all cases where (a) security for costs is ordered to be given by any court in this Province or by any judge or officer of such court, and (b) in all cases where security for costs of appeal and for the prosecution of the appeal is required by any law, rules or practice in force in this Province. Bonds of company may be taken as security for costs.

3. Every order in council under the provisions of this Act shall immediately after the making thereof be published in the *Ontario Gazette* and shall be laid before the Legislative Assembly within 15 days after its first meeting thereafter. Order in council approving of company to be published in Gazette.

4. The bond of any such surety company named in such order in council shall alone be sufficient without any other surety joining in such bond, and it shall not be necessary to have any affidavit of justification. Affidavit of justification not required.

5. Notwithstanding anything hereinbefore contained, any judge or any officer having jurisdiction in the matter, may in his discretion disallow any such bond on a motion made to disallow the same and upon any evidence that may be brought before the said judge. Disallowance of bond on motion.

## CHAPTER 13.

## An Act respecting the Action for Seduction.

*Assented to 1st April, 1899.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Rev. Stat.  
c. 69,  
amended.

Who may  
maintain  
action where  
parents of  
woman  
seduced are  
dead, besides  
employer.

1. The following shall be added as section 4 to the *Revised Statute respecting the Action for Seduction* :

4. In case the father and mother of any unmarried female who has been seduced are both dead, and such unmarried female is under the age of twenty-one, any person who, at the time of the birth of the child which is born in consequence of the seduction, was the legal guardian of, or stood *in loco parentis* to such unmarried female, may maintain an action for the seduction, notwithstanding that such unmarried female was, at the time of her seduction, serving or residing with another person upon hire or otherwise.



## CHAPTER 14.

## An Act to erect Manitoulin into a Provisional Judicial District.

*Assented to 1st April, 1899.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1—(1) From and after the day named for this Act taking effect the territory now comprising the Territorial District of Manitoulin is hereby detached from the Provisional Judicial District of Algoma and Manitoulin and with the following additional territory, namely, the Township of Humboldt, together with the Grondine Indian Reserve in front thereof; the Township of Carlyle; the Township of Rutherford, including Killarney Village; also all that part of the mainland lying west of the Township of Carlyle and bounded on the north by the south limits of townships or timber berths numbers 82 and 90, and on the south by the waters of the Georgian Bay, which is detached from the Territorial District of Algoma and attached to Manitoulin is hereby formed into a Provisional Judicial District by the name of "The Provisional Judicial District of Manitoulin" as if the same had been so declared by the Lieutenant-Governor under *The Unorganized Territory Act*; and the enactments contained in the said Act relating to Provisional Judicial Districts formed by proclamation shall apply to the said district except where inconsistent with this Act.

Provisional  
Judicial Dis-  
trict of Mani-  
toulin con-  
stituted.

(2) The remainder of the District of Algoma shall hereafter form the Provisional Judicial District of Algoma.

Power to  
make appoint-  
ments.

2. Any appointments to be made under this Act, and any security to be given or oaths taken, may be made, given or taken at any time after the passing hereof.

Rev. Stat.  
c. 109, s. 2  
repealed.

3. Section 2 of *The Unorganized Territory Act* is repealed and the following substituted therefor:—

Provisional  
Judicial  
Districts.

2. Subject to the provisions of this Act the Territorial Districts of Thunder Bay, Rainy River, Algoma, Manitoulin, Nipissing, Muskoka, and Parry Sound shall each form a Provisional Judicial District.

Judge of  
Manitoulin to  
have jurisdic-  
tion in part of  
Algoma as to  
division courts  
and voters'  
lists.

4. The district judge of the Provisional Judicial District of Manitoulin shall have and shall exercise, as regards the holding of division courts and the revision of voters' lists, the same jurisdiction in that part of the Provisional Judicial District of Algoma hereinafter mentioned as he has in the District of Manitoulin, namely, all that part of the said District of Algoma bounded on the east by the east limit of the said district, on the west by the west boundaries of the Townships of Moncreiff, Hart, Ermatinger, Totten, Hyman, Nairn, Foster, the west boundary of Foster produced south to the La Cloche Indian Reserve, and by the east boundary of the La Cloche Indian Reserve; on the north by the north limits of the Townships of Moncreiff, Hess, and Hess produced east to the east limit of the district aforesaid; and on the south by the waters of the Georgian Bay and the south limits of townships or timber berths numbers 90 and 82, of the Township of Goschen, and of township or timber berth number 37.

Rev. Stat.  
c. 109, ss. 9-11  
amended.

5. Subsection 2 of section 9, subsection 1 of section 10, and subsection 1 of section 11 of the said Act are amended by striking out the words "Algoma and Manitoulin and of Thunder Bay and Rainy River" where they occur in the said subsections, and substituting therefor the words "Algoma, Manitoulin, Thunder Bay, and of Rainy River."

Rev. Stat.  
c. 109, s. 15  
amended.

6. Section 15 of the said Act is amended by striking out the words "District of Thunder Bay and" and substituting therefor the words "Districts of Thunder Bay and of."

Rev. Stat.  
c. 109, s. 21  
amended.

7. Clause 4 of section 21 of the said Act is repealed and the following substituted therefor:—

4. At Gore Bay on the last Tuesday of the month of May and the third Tuesday of the month of October.

Rev. Stat.  
c. 109, s. 22  
amended.

8. Section 22 of the said Act is amended by inserting after the word "Bracebridge" the words "Gore Bay."

Rev. Stat.  
c. 109, s. 57  
amended.

9. Section 57 of the said Act is amended by striking out the words "except as in the next subsection provided" at the

end of subsection 1 and substituting the words "except where otherwise provided," and by repealing subsection 2 of the said section.

**10.** Subsection 1 of section 93 of the said Act is amended by striking out the words "Algoma and Manitoulin and of Thunder Bay and Rainy River" and substituting therefor the words "Algoma, Manitoulin, Thunder Bay, or Rainy River." Rev. Stat.  
c. 109, s. 93  
amended.

**11.** Sections 12, 13, 14, 28 and 29, subsection 2 of section 17, subsection 3 of section 20, and subsection 3 of section 37, of the said Act are hereby repealed. Rev. Stat.  
c. 109, ss. 12,  
13, 14, 28, 29,  
17 (2), 20 (3)  
and 37 (3)  
repealed.

**12.** Section 2 of this Act shall go into force on the passing hereof, and the other parts of this Act shall come into force at such time as may be named by Order of the Lieutenant-Governor in Council. After the day named by said Order in Council and until a District Judge shall be appointed for the Provisional Judicial District of Manitoulin, except where it is by this Act otherwise provided, the Judge of the Provisional Judicial District of Algoma and Manitoulin and subject to the next section all other officers shall have jurisdiction and authority in respect of all matters and things in the said Provisional Judicial District of Manitoulin, and also in the Provisional Judicial District of Algoma as at present. Commence-  
ment of Act.

**13.** Subsection (5) of section 15 of *The Bills of Sale and Chattel Mortgage Act* is amended by striking out the word "Deputy" in the fourth line thereof and substituting therefor the words "District Court," Rev. Stat.  
c. 148, s. 15,  
amended.

**14.** Until a judge shall be appointed for the Provisional Judicial District of Manitoulin, the Junior Judge of Algoma and Manitoulin shall hold the division courts and revise the voters' lists in the said District of Manitoulin and in the territory belonging to Algoma described in section 4 of this Act. Junior judge  
of Algoma to  
act in certain  
matters until  
judge  
appointed.

**15.** This Act shall so far as may be necessary to give effect thereto be read with and as part of *The Unorganized Territory Act*. This Act and  
Rev. Stat.  
c. 109 to be  
read together.

## CHAPTER 15.

## An Act to amend the Law respecting the Liability of Trustees.

*Assented to 1st April, 1899.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Relief of trustees committing technical breach of trust.

1. If in any proceeding affecting trustees or trust property it appears to the court that a trustee, whether appointed by the court, or by an instrument in writing, or otherwise, or that any person who in law may be held to be fiduciarily responsible as a trustee, is or may be personally liable for any breach of trust whether the transaction alleged or found to be a breach of trust occurred before or after the passing of this Act, but has acted honestly and reasonably, and ought fairly to be excused for the breach of trust, and for omitting to obtain the directions of the court in the matter in which he committed such breach, then the court may relieve the trustee either wholly or partly from personal liability for the same.

Imp. Act,  
59-60 Vict.,  
c. 35, s. 3.



2. Section 33 of "*The Trustee Act*" shall extend to and include administrators upon intestacy, and with will annexed, and whether already appointed or hereafter to be appointed.

Rev. Sta.  
c. 129, s. 33,  
application of.

3.—(1) Any persons with whom trust moneys have been deposited or to whose hands trust moneys have come, may in case the trustee has been absent from the Province for a period of a year and is not likely to return at an early date or in the event of the trustee's death, pay the same into the High Court under and in conformity with the provisions of law for the relief of trustees.

Payment into  
court by per-  
son holding  
trust moneys  
for trustee.

(2) This section shall extend to a case where there are more trustees than one and the trustee or trustees in the Province cannot give an acquittance of the money.

## CHAPTER 16.

## An Act to amend The Registry Act.

*Assented to 1st April, 1899.*

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat.  
c. 136, s. 29,  
amended.

1. Section 29 of *The Registry Act* is amended by adding thereto the following additional subsection:

General regis-  
try book, what  
to be used for.

(3) From and after the first day of July, 1899, the general registry book shall be used for recording wills, probates, grants of administration, and powers of attorney, in which there is a general devise or power affecting lands without local description, and after the said date, except as aforesaid, no other instrument which affects lands without local description, shall be registered unless the instrument when offered for registration, in addition to the ordinary proofs for registration, has attached to it a statutory declaration by one of the parties to the instrument, or by his attorney under registered power of attorney or by the heirs, executors or administrators of such party, to the effect that the instrument affects lands within the county, and giving a local or general description of such lands, sufficient to enable the same to be traced or ascertained by a surveyor, and thereupon such instrument shall be registered in the proper separate registry book and particulars thereof entered in the abstract index and in all other books in the same manner as if the instrument itself had contained the local description of the lands.

2. Section 35 of the said Act is amended by striking out the words "subject to any direction of the Lieutenant-Governor in Council in this behalf," in the twenty-fifth and twenty-sixth lines, and by adding the following words after the word "necessary" in the third line from the end of the said section, "whether such locality or territory has been heretofore subdivided according to registered plan or not."

Rev. Stat.  
c. 136, s. 35,  
amended.

Repair of  
books, maps,  
etc.

3. Subsection 3 of section 61 of the said Act is amended by adding at the end thereof the following words:

Rev. Stat.  
c. 136, s. 61,  
subs. 3,  
amended.

"And where the instrument embraces two lots or parcels of land situate in different municipalities in the same county there shall be paid a further fee for each additional municipality of twenty-five cents.

Fee on registration of mortgage not registered in full.

4. Subsection 5 of section 61 of the said Act is repealed and the following substituted therefor:

Rev. Stat.  
c. 136, s. 61,  
subs. 5,  
repealed.

(5) The registrar shall indicate in the abstract index in the case of the registration of every mortgage hereafter endorsed "Not to be registered in full," that the same has not been registered in full.

Entry in abstract index where mortgage not registered in full.

5. Section 62 of the said Act is amended by adding thereto the following subsection:

Rev. Stat.  
c. 136, s. 62,  
amended.

(2) From and after the first day of January, 1900, no instrument purporting to be signed or executed by any person by attorney, shall be registered in any registry office, unless at the time of the registration of such instrument, or prior thereto, the original power of attorney, or a copy thereof certified for registration, is registered in the same registry office; provided, however that this clause shall not apply to instruments purporting to be executed by attorneys or commissioners for the Canada Company or the Trust and Loan Company; provided that when such power of attorney or a copy thereof is lost and cannot be produced, application may be made to a judge for an order directing the registration of such instrument, and thereupon the same may be registered.

Registration of power of attorney when instrument executed by attorney.

6. Section 72 of the said Act is amended by adding thereto the following subsections:

Rev. Stat.  
c. 136, s. 72,  
amended.

(4) Where the person who served any notice in this clause mentioned, is dead or out of this Province, or where it is proved to the satisfaction of the Judge in this clause mentioned, that the place of abode or residence of such person is unknown, or that such person is incapable of making an affidavit or declaration of service, any person who is or who claims to be interested in the registration of the notice may make proof before the judge of any county court of the service of the notice, and upon a certificate of such judge to the effect that

Proof of notice of sale under mortgage.

that from the proof produced by (naming the person producing the proof and stating the evidence given) he is satisfied of the due service of the notice, such certificate to be endorsed on the notice and signed by the judge, the registrar shall register the notice and certificate.

Conveyance of land under mortgage not to be registered until after registration of notice of sale.

(5) From and after the first day of January, 1900, no instrument which purports to be a conveyance of lands after notice and under power of sale contained in a mortgage, shall be registered until the notice shall have been registered in the registry division in which the lands are situated, pursuant to this section.

Rev. Stat. c. 136, s. 78, subs. 1, amended.

7. Subsection 1 of section 78 of the said Act is amended by adding thereto the following words:

Discharge of mortgage by person other than the mortgagee.

"And such certificate shall be to the effect of schedule L hereto and shall mention the date of registration and number of each of the instruments or documents through which the person executing the certificate claims interest in and title to the mortgage moneys, and the names of the parties. This section shall apply to powers of attorney where the certificate of discharge or prior instrument or document is executed by attorney.

Rev. Stat. c. 136, s. 86, subs. 1, amended. Registration of by-laws.

8. Subsection one of section 86 of the said Act is amended by inserting after the word "original" in the eighth line thereof, the words "or copy."

Rev. Stat. c. 136, s. 100, subs. 1, amended.

9. Subsection 1 of section 100 of the said Act is hereby amended by striking out the words in the said subsection following the word "land" in the ninth line thereof and substituting the following words in lieu of the part so struck out, "being subdivided except where such plan is a subdivision of a lot or lots on a former plan in which case it shall show the numbers or other distinguishing marks of the lot or lots subdivided and the boundary lines of such lot or lots. The number or other distinguishing mark and the breadth both front and rear shall be marked on each lot of the subdivision, the scale shall also be marked on the plan, and such information as will show the depth of the lots, and the courses of all the boundaries of, or the division lines between the same and the governing line or lines to which said courses are referred shall also be indicated; the position of all the posts or monuments, if any, planted by the surveyor, or of other objects marking the boundaries of any of the said lots or the corners thereof shall also be shown. The plan shall also show all roads, streets, railway lands, rivers, canals, streams, lakes, millponds, marshes or other marked topographical features within the limits of the lands being so sub-divided, together with such other information as is required to show distinctly the position of the said lands."

Registration of plans when land sub-divided.



**10.** Subsection 3 of section 100 of the said Act is amended by inserting the words "or assignment of mortgage" after the word "mortgage" in the second last line of the said subsection.

Rev. Stat.  
c. 136, s. 100,  
subs. 3,  
amended.  
Mortgages  
registered  
prior to sub-  
division of  
land.

**11.** Subsection 1 of section 106 of the said Act is amended by inserting after the word "onwards" in the tenth line thereof, the words, "or from or to such other date as the inspector may direct."

Rev. Stat.  
c. 136, s. 106,  
subs. 1,  
amended.  
Abstract in-  
dex, what to  
contain.

**12.** Sub-section 1 of section 111 of the said Act is amended by adding thereto the following clauses :

Rev. Stat.  
c. 136, s. 111,  
subs. 1,  
amended.

(a) Where the unincorporated village as aforesaid is situated in two or more townships, the inspector may, by a written order, cause a plan of such village to be made upon the scale aforesaid, and to be registered in the proper registry office, and where the unincorporated village is situate in two or more registry divisions, a duplicate of such map or plan shall be registered in each of such registry divisions in so far as it affects lands in such division; the map or plan shall have endorsed thereon the certificate of the surveyor that the same has been prepared according to the order of the inspector, and such order or a copy thereof, shall be attached to or endorsed on such plan; and any plan of an unincorporated village situate in two or more townships heretofore prepared upon the request of the inspector, may, in like manner, be registered in the proper registry office, and shall when so registered, be as valid as if the same had been prepared upon the order of the inspector.

Registration  
of plan of un-  
incorporated  
village situate  
in more than  
one township.

(b) The expense attending the preparing and depositing of any map or plan in the next preceding clause (a) mentioned shall be paid out of the general funds of the municipalities in which the unincorporated village is situated, in such proportions as the inspector may order, and any municipality may levy its proportion of such expense, or so much thereof as the council of the municipality sees fit, by assessment on all rateable property comprised in the proportion of the unincorporated village situate in such municipality as described by metes and bounds in a by-law to be passed by the municipality for the purpose of levying such rate.

Expenses of  
registering  
plan of such  
unincorporated  
village—  
how apportioned.

**13.** Subsection 2 of section 111 of the said Act is amended by striking out the word "shall" in the fourth line of such subsection and substituting therefor the words following; "may be paid in whole or in part by the municipality out of its general funds, or the same may in whole or in part at the option of the municipality."

Rev. Stat.  
c. 136, s. 111,  
subs. 2,  
amended.  
Payment of  
expense of  
registering  
plan of unin-  
corporated  
villages.

Rev. Stat.  
c. 136, s. 111,  
amended.

Plans of  
municipalities  
—what to be  
shown on.

14. Section 111 of the said Act is amended by adding thereto the following subsection as 3 (a):

“3 (a). Any plan prepared under the provisions of subsections 1 and 3 of this section shall show such subdivisions of original lots as are shown by the registered plans and by the deeds of such lands as are not shown on the registered plans, and the plan so to be made shall be prepared without adding to the costs thereof the expense of any actual survey on the ground except such as may be necessary to connect the subdivisions or parcels of land and to show any natural or artificial boundaries of the same which cannot be shown on the new plan from the information contained in the registered plans and deeds.

Rev. Stat.  
c. 136, s. 111,  
subs. 5,  
amended.

Application  
for filing of  
new plans.

15. Subsection 5 of section 111 of the said Act is amended by adding thereto after the word “bounds” in the second line thereof, the words “or in any other manner without a map or plan registered under this or any other Act in that behalf, showing such subdivisions;” and the same is further amended by adding after the word “such” in the 17th line of the said subsection, the words “application and.”

Rev. Stat.  
c. 136, s. 118,  
subs. 2,  
amended.

Fees for  
searches.

16. Subsection 2 of section 118 of the said Act is amended by inserting after the word “reference” in the sixth line of the said subsection, the words “up to 50 references and five cents for every additional two references over 50”; and by striking out the figure “2” in the eighth line of the said subsection and substituting the figure “3” therefor.

Rev. Stat.  
c. 136, s. 118,  
subs. 2,  
amended.

Indelible materials not to be used in making copies, extracts, etc.

17. Subsection 2 of the said section 118 is amended by inserting after the word “words” in the 22nd line thereof, the following words:

“No person other than the registrar, his officer or employees, shall use ink, or other indelible fluid or substance, for the purpose of making copies of or extracts from any instruments, documents, books, papers or records in the registry office or of any matter therein contained.”

Rev. Stat.  
c. 136, s. 118,  
subs. 5,  
amended.

Fees for  
abstracts of  
title.

18. Subsection 5 of section 118 of the said Act is amended by adding at the end of the said subsection the following words:

“And where there are two or more lots for which abstracts are required and the entries on such lots are partly identical, the registrar shall make a full abstract for one of the lots and enter in the same all the lots to which each instrument refers, and in the abstract of the other lots he shall only include entries affecting those lots separately.

Rev. Stat.  
c. 136, s. 118,  
subs. 9,  
amended.

19. Subsection 9 of section 118 of the said Act is amended by adding at the end thereof the words “or the inspector may order

order the expenses of new plans and surveys and the registration thereof under the provisions of section 35 of this Act, to be paid by the treasurer of any local municipality concerned, or in part by the county treasurer and in part by the treasurer of the local municipality, and the local municipality may, subject to the order of the inspector, cause such expenses or part thereof to be levied by assessment on all rateable property comprised in the portion of the municipality affected by such plan or survey."

Fees for preparing plans, etc., for municipalities.

**20.** Subsection 11 of section 118 of the said Act is amended by adding the following words at the end of the said subsection, "and for producing each original registered instrument, including search for the same, in pursuance of a judge's order or subpoena, the sum of ten cents in addition to the registrar's ordinary witness fees."

Rev. Stat. c. 136, s. 118, subs. 11, amended.

Fees for producing original instruments in court.

**21.** Subsection 12 of section 118 of the said Act is amended by striking out all the words therein after the words "four" in the seventh line thereof, and substituting therefor the following words:

Rev. Stat. c. 136, s. 118, subs. 12, amended.

"And in case the certificate embraces two or more lots or parcels of land situate in different municipalities in the same county, or in case the certificate or aggregate copying thereof exceeds three hundred words, the registrar shall be allowed at the rate of ten cents per folio for each additional 100 words or fractional part thereof of copying over three hundred words, but not to exceed five dollars in the whole for the registration of such certificate."

Fees on registering discharges of mortgage.

**22.** Section 118 of the said Act is hereby amended by adding thereto the following subsection:

Rev. Stat. c. 136, s. 118, amended.

16. Where any Act of this Province, or of the Dominion of Canada requires or permits any instrument or plan to be deposited, filed or registered in the registry office, but omits to provide fees to the registrar for his services in connection therewith, and no fees therefor are provided by this or any other Act, the registrar shall, in the absence of any express provision requiring him to perform such services gratuitously, be entitled to reasonable fees therefor, the amount of such fees to be named and fixed by the inspector of registry offices.

Fees in cases not provided for.

## CHAPTER 17.

## An Act to amend The Act Respecting Wages.

*Assented to 1st April, 1899.*

**H**ER MAJESTY by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows :—

Rev. Stat. c.  
156, amended.

1. Chapter 156 of the Revised Statutes of Ontario, 1897, is amended by the addition thereto of the following section :—

When wages  
to be payable  
on distribution  
of estate by  
assignee, ad-  
ministrator,  
etc.

9.—(1) The wages in respect of which priority is herein-  
before in this Act conferred and declared shall become due and  
be payable by the assignee, liquidator, sheriff, executor, admin-  
istrator or other person charged with the duty of winding up  
or distributing the various estates aforesaid within one month  
from the time when the estate so being wound up or distri-  
buted shall have been received by or placed under the control  
of such assignee, liquidator, sheriff, executor, administrator or  
other person as aforesaid unless it shall appear to him or them  
that the said estate is not of sufficient value to pay the claims  
or charges (if any) thereon having by law priority over the  
said prior claim for wages, and the ordinary expenses and dis-  
bursements of winding up and distributing the said estate ;  
but such ordinary expenses shall not include the cost of litiga-  
tion or other unusual expenses concerning the estate or any part  
thereof, unless the persons entitled to the said lien for wages  
shall have consented in writing to such proceedings being  
taken before they were commenced or shall afterwards have  
adopted or ratified in writing such proceedings.



(2) Provided that in the case of such prior claims for wages as aforesaid the said assignee, liquidator, sheriff, executor, administrator or other person engaged in winding up or distributing an estate may forthwith upon such estate coming to his hands, pay the said prior claims for wages without being chargeable in case it shall in the end appear that such estate was insufficient to have justified such payment provided he has acted in good faith and has reasonable grounds to believe that the estate would prove sufficient.

Proviso:—  
protection of  
assignee, etc.,  
paying claims  
for wages.

(3) Any number of lien holders in respect of such prior claims for wages upon the same estate may join in any action, suit or other proceeding for the enforcement of such claims.

Lien holders  
joining in  
action for  
wages.

## CHAPTER 18.

## An Act to amend the Law with respect to Compensation of Workmen.

*Assented to 1st April, 1899.*

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Short title.

1. This Act may be cited as *The Workmen's Compensation for Injuries Act, 1899.*

Interpretation.

2. In this Act the word "claimant" shall include the word "plaintiff," and the word "respondent" shall include the word "defendant," and in *The Workmen's Compensation for Injuries Act* the word "plaintiff" shall include the word "claimant," and the word "defendant" shall include the word "respondent," and the words "suit," "action" or "proceeding" where mentioned in *The Workmen's Compensation for Injuries Act* shall include the word "arbitration," and the word "court" or "judge" shall include the word "arbitrator."

Burden of proof.

3. Where the machinery or other plant or works of or in a factory, or any part of such machinery, plant or works through or by reason of which the injury complained of was inflicted or occasioned or alleged to have been inflicted or occasioned, is or are, by *The Ontario Factories Act* or any other Act of the Provincial Legislature, or of the Parliament of Canada, required to be covered, guarded, protected or suitably enclosed in whole or in part;

Rev. Stat. c. 256.

- (a) Or is required by any of the Acts aforesaid to be of a special or particular kind or quality or to be kept in a particular or specified state or condition ;
- (b) Or where dangerous structures or places or openings in or in connection with a factory are required by law to be kept securely guarded or protected or suitably enclosed as far as practicable, or to be kept in some particular state or condition, or that facilities for so keeping them or any of them shall be provided ;
- (c) Or where any part of a railway or railway track or railway bridge or other structure is required to be of a certain kind or character or to be constructed or kept by the company in any particular or specified way or manner as provided or contemplated by *The Railway Accidents Act* or by *The Workmen's Compensation for Injuries Act* or by any other Act of the Provincial Legislature, or of the Parliament of Canada ;

Rev. Stat. c.  
266.  
Rev. Stat. c.  
160.

then upon any trial or arbitration under *The Workmen's Compensation for Injuries Act* or this Act for the recovery of damages for injury to a workman arising out of the neglect or alleged neglect on the part of the person or company required to keep the said machinery, buildings, structures, dangerous places, and railway track or structures in such a state, condition or manner or of the kind, character or quality as aforesaid and as is provided or contemplated by the said Acts respectively, and it is or becomes material to the issue on the trial or arbitration, the onus of proving that the same were so kept or in such condition or that facilities were provided for so keeping the same as the case may be or as the Act or Acts require, shall be upon the party to the action whose duty it was under any of the said Acts to so keep the said machinery, works, plant, dangerous places or any part thereof, or railway tracks or works and structures or any part thereof as by the said Acts or any of them is required or provided.

4. Notwithstanding anything in *The Workmen's Compensation for Injuries Act*, chapter 160 of the Revised Statutes, 1897, contained, except where the claim is in respect of an injury resulting in death, all claims for damages under the said Act may be disposed of by arbitration as herein provided.

Settlement of  
claims under  
Rev. Stat. c.  
160 by arbi-  
tration.

5. Proceedings under this Act by way of arbitration shall be begun and carried on in the county where the accident happened or the injury was occasioned.

Venue for  
proceedings  
under Act.

6. If the suit or action is begun in the County Court, all applications may be made to the Judge of the County Court instead of a Judge of the High Court in Chambers, and the Judge of the County Court shall have the same power and authority

Applications  
to judge of  
county court  
instead of  
judge of high  
court in  
chambers.

authority as a Judge of the High Court in Chambers in respect of such applications, but the respondent shall not be entitled, where notice of arbitration is given and the amount claimed is within the jurisdiction of the County Court, to apply for an order directing that the proceedings shall be by suit or action.

Notice of arbitration.

7.—(1) In case a workman claiming compensation for injuries under *The Workmen's Compensation for Injuries Act*, and this Act desires to proceed by arbitration under this Act, he shall within four months from the date upon which such injuries were sustained serve a notice (Form 1) upon the person or persons whom he claims to be liable, stating that his claim will be submitted to arbitration unless notice of objection is given as hereinafter provided.

Notice of objection.

(2) If an employer objects to an arbitration he shall within ten days after the service upon him of such notice serve notice (Form 2) that at a time therein named, which shall not be more than eight days from the date thereof, he will apply to a judge of the High Court in Chambers for an order that any proceedings in respect of the said injuries shall be by action as heretofore and not by arbitration. The judge on hearing such application may in his discretion direct that proceedings are to be carried on by action on any of the following grounds:—

- (a) If he finds that difficult questions of law not already judicially determined are likely to arise during the proceedings, or
- (b) If it is made to appear that complicated questions of fact, difficult of determination, are likely to arise on the arbitration, and which should in his opinion be determined in an action and not by arbitration, or
- (c) If the county judge is for any reason or cause disqualified, and there is no junior judge.

Extension of time.

(3) The judge may by such order extend the time for commencing an action as he may deem proper. Unless notice of objection as aforesaid is given, within ten days after the service on him of a notice of arbitration under sub-section 1, the employer shall be deemed to consent to an arbitration, provided that where it is shown to the satisfaction of the judge that the failure to give notice of objection is due to mistake, inadvertence, or oversight, or that there are other sufficient grounds, he may upon such terms as may seem just, enlarge the time for giving such notice and such enlargement may be ordered although the application for the same is not made until after the expiration of the time appointed as aforesaid

Application by defendant in action to have matter disposed of by arbitration.

8. Where proceedings are begun by action instead of by notice of arbitration, the defendant may apply to a Judge in Chambers for an order directing that the proceedings shall be taken and carried on by arbitration and not by suit or action. The Judge to whom application is made, if he is of opinion that

the



the cause or causes of action can be more conveniently disposed of by arbitration than by suit or action, and that the same should be disposed of by arbitration rather than by suit or action, shall so order, in which case no further proceedings shall be had in the suit or action, but proceedings may be initiated and carried on by way of arbitration. The Judge may dispose of the costs of the suit or action up to the date of the order, or he may direct that such costs shall be in the discretion of the arbitrator.

**9.** Either the issue of a writ or notice of arbitration under this Act shall be a sufficient commencement of the action and a sufficient compliance with section 9 of *The Workmen's Compensation for Injuries Act* whether the proceedings are afterwards carried on by arbitration or by suit or action.

Commencement of action.

Rev. Stat. c. 160.

**10.** Nothing in this Act contained shall dispense with the notice of injury required to be given under sections 9, 13 and 14 of *The Workmen's Compensation for Injuries Act*.

Notice of injury to be given under Rev. Stat. c. 160.

**11.**—(1) In case the proceedings are to be by way of arbitration the claimant shall obtain an appointment from the judge of the county court of the county in which the injury was received, and shall serve a copy of such appointment upon the respondent, together with a notice (Form 3) of the time so appointed. The judge by the said appointment shall name a day, hour and place, for proceeding with the hearing and such day shall be fixed with a view to as early a disposal of the case as appears practicable.

Arbitration proceedings.

(2) In case the claimant does not proceed with the arbitration with reasonable speed the respondent may obtain an appointment from the county judge to have the case heard and disposed of at a time to be named in such appointment. The respondent shall serve a copy of the appointment on the claimant and on proof of such service the judge may at the time so appointed proceed with the hearing or make such disposal of the matter as may appear just.

Right of respondent to expedite proceedings.

**12.** When an order is made directing that the liability of the respondent to pay compensation to the claimant shall be determined by action as heretofore, all proceedings upon the arbitration shall be stayed upon the filing of the order with the clerk of the county court and service thereof upon the claimant. The claimant if he desires in such case to proceed shall do so by action in the usual way.

Proceedings to be stayed.

**13.** Within eight days after the notice to the respondent of the day upon which the arbitration will be proceeded with the respondent shall file with the clerk of the county court his statement of defence (Form 4) in which he may set up any defence which would be open to him upon the trial of an ac-

Statement of defence.

tion

tion in the High Court, and shall serve a copy thereof upon the applicant.

Judge of another county may act on request.

**14.**—(1) In case the county court judge is for any reason disqualified from acting or in case he desires not to act he may request some other county court judge to act for him, and the judge acting on such request shall have all the jurisdiction conferred by this Act; and no act of such judge shall be open to question on the alleged ground that he was not the proper judge to perform the duty or that the same had not been regularly or otherwise assigned to him or had not been performed at such request or by such direction as the law requires.

(2) When an application is made to a judge of the High Court in Chambers under section 4, such judge shall have power to direct that a county court judge of another county shall hear the arbitration, and in such case the travelling expenses of the judge of such other county may be paid out of any moneys appropriated by the Legislature for that purpose.

Pleadings limited.

**15.** No pleadings or documents in the nature of pleadings shall be necessary in case the matter is proceeded with by arbitration under this Act other than the notice of arbitration and the statement of defence hereinbefore mentioned.

Witnesses and evidence.

**16.**—(1) In any proceedings under this Act the judge of the county court may compel the attendance of witnesses and the production of documents in the same manner and to the same extent as in an action in the county court and shall possess the same powers in respect of all such proceedings as he would possess in an action in the county court and the claimant or respondent shall have the same right to examine the opposite party for discovery or otherwise and the judge shall have the same power to direct the examination of witnesses by commission as in an action in the county court as aforesaid.

(2) Subpoenas for witnesses may be issued out of the county courts on præcipe as in ordinary cases

Employment of shorthand reporter.

**17.** In any case if the parties so desire or the judge so directs the evidence may be taken by a shorthand writer. The cost of such shorthand writer shall be borne by the parties equally unless the judge otherwise directs, and copies of evidence shall be paid for on the scale allowed to special examiners in proceedings in the county court.

Referring questions of law.

**18.** The judge of the county court may if he thinks fit submit any question of law for the decision of a judge of the High Court in chambers or single court and the decision of such judge on any question of law, so submitted, shall be final.

**19.**—(1) The costs of and incidental to the arbitration and proceedings connected therewith shall be on the scale allowed in actions in the county court and shall be subject to taxation in the same manner. Costs in all cases shall be in the discretion of the judge. Costs.

(2) The Judge may fix the costs of arbitration or of any other proceedings before him as between the parties instead of directing taxation thereof, and he may also fix the costs as between the solicitor of either party and his client on the application of either.

**20.** The judge of the county court shall make his award in writing (Form 5), and upon the filing of the same with the clerk of the county court it shall become and be a county court judgment and execution may be issued thereon in the same manner as on a judgment in an action. Effect of award.

**21** Where the amount of compensation payable under *The Workmen's Compensation for Injuries Act* has been ascertained by agreement between the parties a memorandum of such agreement shall be delivered or sent by registered letter to the clerk of the county court, who shall, on being satisfied as to its genuineness record such memorandum in a special register for a fee of \$1 and thereupon such memorandum shall for all purposes become and be a county court judgment and shall be enforceable as a judgment: Agreement as to compensation.

Provided that the judge of the county court may at any time rectify such register.

**22.** The duties by this Act imposed upon the judge of the county court and upon the clerk and other officers of such court shall be part of their duties as officers of the county court, and no fees shall be payable to the judge except a fee of \$10 in connection with any arbitration, or to any officer of the court in respect thereof other than the ordinary fees in a county court action as for similar work, and any sum awarded or agreed upon as compensation shall be paid on receipt of the person to whom it is payable under any agreement or award, and his solicitor or agent shall not be entitled to recover from him or to claim a lien on or to deduct any amount for costs from the said sum awarded except such sum as may be awarded by the judge of the county court on an application (Form 6) made by either party to determine the amount of costs to be paid to the said solicitor or agent, such sum to be awarded subject to taxation if the judge so directs. Duties of judges and officers of courts.

Lien on sum awarded.

**23.**—(1) Any party to an arbitration under this Act may appeal from the decision of the arbitrator to a divisional court of the High Court of Justice, and sections 50 to 57 of *The Revised Statute respecting County Courts* shall, so far as applicable, apply to such appeals. Appeal.  
Rev. Stat. c. 55,



(2) The court shall also have power, on hearing any such appeal, to remit the matter for the re-consideration of the judge of the county court.

## Rules.

**24.**—(1) The Judges of the Supreme Court and of the High Court respectively shall have the same authority to make rules of court with respect to proceedings under this Act, as by sections 122 and 124 of *The Judicature Act* they have with respect to the High Court; and the Judges authorized as mentioned in section 125 of that Act shall have the like authority.

## Practice in cases unprovided for.

(2) Until provision is made in that behalf in any matters which are unprovided for by this Act, the rules of practice applicable to proceedings in the County Court shall, as nearly as may be, be followed.

## Amount recoverable.

**25.** In any arbitration under this Act the claimant shall not be limited to the amount recoverable in a county court action but may recover the same amount as is provided in case of actions under *The Workmen's Compensation for Injuries Act*.

## Rev. Stat. c. 160.

## Arbitration optional.

**26.** Nothing in this Act contained shall oblige a claimant to proceed by way of arbitration, but any claimant may bring an action if he deems fit.

## Rev. Stat. c. 62 not to apply.

**27.** *The Arbitration Act* shall not apply to an arbitration under this Act.

## Use of forms.

**28.** The forms appended to this Act with such variations as may be necessary may be used by any party to an arbitration.

## Act to be read with Rev. Stat. c. 160.

**29.** This Act shall, in so far as it may be necessary in order to enable the same to be carried into effect, be read with and as part of *The Workmen's Compensation for Injuries Act* where the latter Act is not inconsistent with the provisions of this Act.

## FORM 1.

NOTICE OF ARBITRATION BY AN INJURED WORKMAN WITH RESPECT TO THE  
COMPENSATION PAYABLE TO HIM.

In the County Court of the County of

In the matter of *The Workmen's Compensation for Injuries Act, 1899.*

Between

A. B.

Applicant,  
and

C. D. & Co., Limited,

Respondents.

Take notice that A. B. proposes to submit to arbitration his claim, for compensation under the said Act, in respect of personal injury caused to him by accident arising out of and in the course of his employment.

If



If you object to an arbitration you are to notify A. B. of such objection within ten days from the service of this notice upon you otherwise you will be deemed to have assented to such arbitration and the same will be proceeded with at such time as may be appointed by the judge of the county court of the county of \_\_\_\_\_, the arbitrator in this matter.

Particulars are hereto appended (*or annexed*).

#### PARTICULARS.

1. Name and address of injured workman.
2. Name, place of business and nature of business of respondents.
3. Nature of employment of workman at time of accident, and whether employed under respondents or under contractors with them. (If employed under contractors, who are not respondents, name and place of business of contractors to be stated).
4. Date and place of accident, nature of work on which workman was then engaged, and nature of accident and cause of injury.
5. Nature of injury.
6. Particulars of incapacity for work, whether total or partial, and estimated duration of incapacity.
7. Average weekly earnings during the 12 months previous to the injury, if the workman had been so long employed under the same employer, or, if not, during any less period during which he had been so employed.
8. Estimated average amount which the workman is able to earn after the accident.
9. Payments not being wages received from employer in respect of the injury during the period of incapacity.
10. Amount claimed as compensation.
11. Date of service of statutory notice of accident on respondents. (*A copy of the notice to be annexed.*)
12. If notice not served, reason for omission to serve same.

The names and addresses of the applicant and his solicitor are :

Of the applicant,

Of his solicitor,

The names and addresses of the respondents to be served with this application :

Dated this \_\_\_\_\_ day of \_\_\_\_\_

(Signed),

Claimant.

Or

Claimant's Solicitor.

#### FORM 2.

##### NOTICE OF OBJECTION TO ARBITRATION.

(*Heading as in Notice of Arbitration.*)

Take notice, that a motion will be made before the presiding Judge in Chambers at Osgoode Hall, Toronto, (*or as the case may be*) on the \_\_\_\_\_ day of \_\_\_\_\_ next, at the \_\_\_\_\_ hour of \_\_\_\_\_ o'clock in the forenoon, or so soon thereafter as the application can be heard, for an order directing that any proceedings in this matter be by action and not by arbitration. The application is made on the following grounds :

(*Here state grounds.*)

## FORM 3.

NOTICE TO RESPONDENT OF DAY UPON WHICH ARBITRATION WILL BE PROCEEDED WITH.

*(Heading as in Notice of Arbitration.)*

TAKE NOTICE : That the Judge of this Court will proceed with the arbitration herein, at                      on                      the                      day of                      at the hour of                      o'clock in the                      noon ; and that if you do not attend either in person or by your solicitor at the time and place above mentioned such order will be made and proceedings taken as the judge may think just and expedient.

And further take notice that if you wish to disclaim any interest in the subject-matter of the arbitration, or consider that the particulars are in any respect inaccurate or incomplete, or desire to bring any fact or document to the notice of the judge, or intend to rely on any fact, or to deny (wholly or partially) your liability to pay compensation under the Act, you must file an answer, stating your name and address and the name and address of your solicitor (if any), and stating that you disclaim any interest in the subject-matter of the arbitration, or stating in what respect the particulars are inaccurate or incomplete, or stating concisely any fact or document which you desire to bring to the notice of the judge, or on which you intend to rely, or the grounds on and extent to which you deny liability to pay compensation.

Such answer, together with a copy thereof for the judge, and a copy for the applicant and for each of the other respondents, must be filed with the Clerk of the Court 5 clear days at least before the day of

If no answer is filed, and subject to such answer, if any, the particulars and your liability to pay compensation will be taken to be admitted.

Dated this                      day of

To

Of

(Signed),

Claimant.

or

Claimant's Solicitor.

## FORM 4.

ANSWER BY RESPONDENTS.

*(Heading as in Notice of Arbitration.)*

Take notice that the respondents, C. D. & Co., Limited, intend, at the hearing of the arbitration, to give in evidence and rely on the following facts :—

That no notice of the alleged action was given to the respondents as required by section 13 of *The Workmen's Compensation for Injuries Act* ;  
That

That the claim for compensation with respect to the alleged accident was not made within twelve weeks from the occurrence of the accident ;

or

That the respondents, C. D. & Co., Limited, deny their liability to pay compensation under the above mentioned Act in respect of the injury to A. B., mentioned in the Claimant's particulars, and that the grounds on which they deny their liability are :—

That the employment of the said A. B. was not an employment to which the said Act applies ;

or

That the said injury to the said A. B. was not caused by accident arising out of and in the course of his employment ;

or

*Any other ground of defence.*

---

### FORM 5.

#### AWARD.

*In case of application by workman.*

*(Heading as in Notice of Arbitration.)*

Having duly considered the matters submitted to me, I do hereby make my award as follows :—

1. I order that the respondents, C. D. & Co , Limited, do pay to the claimant, A. B., the sum of as compensation for personal injury caused to the said A. B., on the day of , by accident arising out of and in the course of his employment as a workman employed by the said C. D. & Co., in (state nature of employment).

2. And I order that the said C. D. & Co. do pay to the claimant, (or as the case may be) his costs of and incident to this arbitration such costs in default of agreement between the parties as to the amount thereof, to be taxed by the clerk on the scale of costs in use in the county courts, and to be paid by the said C. D. & Co. to the claimant (or as the case may be) within 14 days from the date of the certificate of the result of such taxation (or if the judge fixes the costs or the parties agree upon them, this form to be adapted).

Dated this day of

Judge.

## FORM 6.

NOTICE OF APPLICATION FOR DETERMINATION OF AMOUNT OF COSTS UNDER  
SECTION 16.

In the County Court of                      holden at

*(Title as in Award or Memorandum.)*

TAKE NOTICE : That I intend to apply to the judge at  
on                      the                      day of                      at the hour of  
                    o'clock in the                      noon, to determine the amount  
of costs to be paid to me as solicitor (*or agent*) for you A. B.                      in the  
above mentioned matter ; and for an order declaring that I am entitled  
to a lien for such amount on or to deduct such amount from the sum  
awarded as compensation to you the said A. B.                      in the above  
mentioned matter and for consequential directions.

Dated this                      day of

Applicant.

To the Clerk of the Court  
and to  
A. B.  
of



## CHAPTER 19.

An Act to amend The Act respecting Cheese and Butter Manufacturing Associations and Companies.

*Assented to 1st April, 1899.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 6 of *The Act respecting Cheese and Butter Manufacturing Associations and Companies* is amended by adding the word “trustees” after the word “managers” in the seventh line of the said section, and by adding at the end of the section the following words, “and (5) provisions for the settlement of disputes by arbitration.” Rev. stat.  
c. 201, s. 6  
amended.

2. The said Act is further amended by inserting therein the following section:— Rev. Stat.  
c. 201  
amended.

6 (a) The trustees of any association heretofore appointed may be removed and others appointed in their place at any general meeting, or at a special meeting called for the purpose of which at least two weeks’ notice shall be given. Removal of  
trustees.

## CHAPTER 20.

## An Act respecting Cheese and Butter Exchanges.

*Assented to 1st April, 1899.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows;—

Incorporation  
of cheese and  
butter ex-  
change.

Who may be  
corporators.

- 1.—(1) Any five or more persons each of whom shall be
  - (a) Engaged in the manufacture and sale of cheese or butter, or a member of some firm or partnership carrying on the business of manufacturing cheese or butter, or a person appointed in writing to represent any person, firm or partnership or the patrons of a factory so engaged, or
  - (b) A person elected or appointed by the shareholders of any cheese or butter manufacturing association or company, or
  - (c) Engaged in the business of buying cheese or butter for export or re-sale, or appointed in writing to represent any person, firm or corporation engaged in such business,

Declaration of  
incorporation.

who desire to associate themselves together for the purpose of carrying on a cheese and butter exchange may make, sign and acknowledge before a notary public, commissioner authorized to take affidavits, or justice of the peace, in duplicate and file in the office of the registrar of the registry division in which the said exchange is to be carried on, a certificate in writing in the form set out in the schedule to this Act, or to the same effect, together with the rules and regulations signed by such persons respectively.

(2) The signatures to the rules shall be verified by the affidavit of the subscribing witness thereto made before a notary public, justice of the peace, or commissioner authorized to take affidavits, or before the registrar or deputy-registrar.

Verifying  
signature to  
rules.

(3) Before the filing of the certificate and rules as aforesaid they shall be approved by the Minister of Agriculture for the Province of Ontario in writing signed by him and endorsed thereon.

Approval of  
rules by min-  
ister of agri-  
culture.

(4) Upon the filing of the certificate and rules as aforesaid, the persons signing such declaration and rules, shall become a body corporate by the name described with the power to hold such lands and other real and personal property as are required for the convenient management of the business of such exchange.

Corporate  
powers.

2. The registrar or deputy-registrar shall if desired by the person filing the certificate endorse on the other duplicate certificate and upon the duplicate of the rules, certificates of the other duplicates having been filed in his office with the date of filing and every such certificate shall be *prima facie* evidence of the facts set out therein and of the incorporation of the exchange. The certificate so to be filed shall designate the place where the business of the exchange is to be carried on.

Endorsement  
of registrar—  
effect of as  
evidence.

3. The fees to be charged by the registrar for filing any certificate shall be fifty cents, and for every search relating thereto, ten cents.

Fees of regis-  
trar.

4. The rules to be filed as hereinbefore mentioned shall contain regulations respecting,—

Rules, what  
to be dealt  
with.

1. The mode of convening general and special meetings of the members of the exchange ;

Meetings.

2. Provisions for the auditing of the accounts of the exchange ;

Audit.

3. The power and mode of withdrawal of members and the admission, suspension and expulsion of members ;

Admission,  
etc., of mem-  
bers.

4. The appointment of officers and their respective duties, including provisions for filling vacancies caused by death, resignation and other causes ;

Officers.

5. The mode of conducting the purchase and sale of cheese and butter at the exchange, and contracts for the purchase and sale thereof by members of the exchange ;

Conduct of  
business on  
exchange.

6. The inspection, weighing and shipment of cheese and butter and the time and mode of payment for cheese or butter bought or sold on the exchange ;

Inspection,  
etc., of cheese  
and butter.

7. Imposing penalties for the infraction of the rules of the exchange by members thereof ;

Penalties for  
infraction of  
rules.

Fees of members.

8. The annual and other fees to be payable by members of the exchange; and

Arbitrations.

9. The settlement by arbitration of disputes respecting contracts made on the said exchange.

Rules to bind members.

5. The rules of every exchange registered under this Act shall bind the exchange and members thereof to the same extent as if each member had subscribed his name and affixed his seal thereto, and all moneys payable by any member to the exchange in pursuance of any such rule shall be deemed to be a debt due from such member to the exchange, and shall be recoverable by action.

Changes in rules not to take effect until approved by minister.

6. All rules made by the exchange may be repealed, altered or amended by other rules passed at any meeting of the members of the exchange specially called for that purpose, but no new rules shall have any force or effect until a copy proved by the affidavit of the president or other head officer of the exchange to be a true copy of the rule passed by the members of the exchange at a meeting specially called for the purpose of considering the same has been approved in writing endorsed thereon by the Minister of Agriculture and has been filed in the registry office in which the certificate of incorporation was filed.

Annual return to Minister of Agriculture.

7. The secretary or other officer appointed for this purpose by any exchange incorporated under this Act shall once in every year transmit to the Minister of Agriculture a list of the officers of such exchange and a statement of the business transacted by the exchange during the year in such form as the Minister may direct and on such schedules as he may provide.



## SCHEDULE.

## FORM OF CERTIFICATE.

Province of Ontario, } We (*insert names of subscribers not less than five*)  
 TO WIT: } do hereby certify that we desire to form an association pursuant to the provisions of *The Act respecting Cheese and Butter Exchanges*.

The corporate name of the Exchange is to be (*insert name of the Exchange*), and the name of the place (*or places*) where the operations of the said Exchange are to be carried on is (*or are*) (*insert name of place or places where the operations of the said Exchange are to be carried on*).

Dated the            day of

(*Signatures.*)

On the            day of            A.D. 18    , before me personally appeared (*insert names of subscribers to the certificate*) to me known to be the individuals described in the foregoing certificate and they severally before me signed the said certificate and acknowledged that they signed the same for the purposes therein mentioned.

A. B.,  
 Justice of the Peace, *or*  
 Commissioner for taking Affidavits, *or*  
 Notary Public.

## CHAPTER 21.

## An Act to amend The Ontario Insurance Act.

*Assented to 1st April, 1899.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat. c.  
203, s. 150,  
subs. 2,  
amended.

1. Subsection 2 of section 150 of *The Ontario Insurance Act* is hereby amended by striking out in the eleventh and following lines thereof the sums \$92, \$110, \$129 and \$147; and by substituting therefor the following sums respectively, \$120, \$160, \$200, \$260.

---

## CHAPTER 22.

## An Act to amend The Loan Corporations Act.

*Assented to 1st April, 1899.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 72 of *The Loan Corporations Act* is amended by striking out in the second line the words “file with” and substituting therefor the words “deliver to.” Rev. Stat.  
c. 205, s. 72  
amended.

2. Section 74 of the said Act is repealed and the following section is substituted therefor : Rev. Stat.  
c. 205, s. 74,  
repealed.

74. Every loan corporation doing business in Ontario shall, (if by the Registrar required so to do) furnish satisfactory evidence that any by-law has been duly passed, and is a legal and valid by-law according to the Act or instrument incorporating the company and also that the by-law conforms to the public general law in force in Ontario; and any company refusing, or failing to furnish such evidence promptly, shall (subject to appeal as provided in section 114) be liable to have its registry suspended or cancelled.

3.—(1) Subsection 1 of section 99 of *The Loan Corporations Act* is amended by inserting after the word “finances” in the fifteenth line thereof these words “or its stock, shares, securities, obligations, by-laws or books.” Rev. Stat.  
c. 205, s. 99,  
subs. 1,  
amended.

Rev. Stat.  
c. 205, s. 112,  
subs. 1  
amended.

(2) Subsection 1 of section 112 of the said Act is amended by inserting in the sixth line of the said subsection, after the words "this Act" the words "or of the Act or instrument incorporating the company, or of any law in force in Ontario."

Rev. Stat.  
c. 205, s. 114,  
subs. 1,  
amended.

4.—(1) Subsection 1 of section 114 of the said Act is amended by striking out in the first line of the said subsection the words "an appeal shall lie" and substituting therefor the words "the appeal shall be."

Rev. Stat.  
c. 205, s. 114,  
amended.

(2) The said section is further amended by adding thereto subsection 4 as follows:

(4) Without a fiat of the Attorney-General being first had and obtained for the purpose, no action or proceeding in any court of law or equity shall be brought or taken against the Registrar for anything done or not done in the performance, or intended or supposed performance of his duty under this Act.

Rev. Stat.  
c. 205, s. 120,  
cl. 6, repealed.

5. Clause 6 of section 120 of the said Act is hereby repealed and the following is substituted therefor:

"6. Certificate of initial or renewed registry, (s. 109):"

Fees.	(a) Where the assets of the corporation amount to not more than \$250,000.....	\$ 25 00
	(b) Where the assets of the corporation amount to \$500,000 and more than \$250,000 .....	50 00
	(c) Where the assets of the corporation amount to \$1,000,000 and more than \$500,000.....	75 00
	(d) Where the assets of the corporation amount to \$1,500,000 and more than \$1,000,000 .....	100 00
	(e) Where the assets of the corporation amount to \$2,000,000 and more than \$1,500,000 .....	125 00
	(f) Where the assets of the corporation amount to \$2,500,000 and more than \$2,000,000 .....	150 00
	(g) Where the assets of the corporation amount to \$3,000,000 and more than \$2,500,000 .....	175 00
	(h) Where the assets of the corporation amount to \$5,000,000 and more than \$3,000,000 .....	200 00



- (i) Where the assets of the corporation  
amount to \$10,000,000 and more than  
\$5,000,000 ..... 250 00
- (j) Where the assets of the corporation  
amount to more than \$10,000,000..... 300 00

Provided that for purposes of this article capital stock un- Proviso  
called shall not be deemed an asset ;

Provided also that the fee for a certificate of registry cover- Proviso.  
ing a period of not more than six months shall be one-half of  
the above amounts respectively. 58 V., c. 34, s. 9.

## CHAPTER 23.

## An Act respecting Aid to Certain Railways.

*Assented to 1st April, 1899.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Grants to rail-  
ways, etc.

1. There shall be granted out of the Consolidated Revenue Fund for the construction of the portions of railways herein-after mentioned, the sums following, that is to say :

Ontario,  
Hudson's Bay  
and Western  
Railway.

(1) To the Ontario, Hudson's Bay and Western Railway, between Missinabie Station on the Canadian Pacific Railway and tide water at the mouth of Moose River on James' Bay, a distance not exceeding two hundred and forty miles, a cash subsidy of \$2,000 a mile—\$480,000.

James' Bay  
Railway.

(2) To the James' Bay Railway from a point at or near Sudbury to a point at or near Lake Abittibi, a distance not exceeding one hundred and seventy-five miles, a cash subsidy of \$2,000 a mile—\$350,000.

Haliburton  
Whitney and  
Mattawa  
Railway.

(3) To the Haliburton, Whitney and Mattawa Railway, or the Lindsay, Haliburton and Mattawa Railway, between Haliburton and Whitney, a distance not exceeding forty-eight miles, a cash subsidy of \$3,000 a mile—\$144,000, but such grant shall be subject to the condition that the line of the said the Haliburton, Whitney and Mattawa Railway shall not approach nearer to the Algonquin National Park than is set forth in or allowed by the Charter of the said Company.

(4)

(4) To the Ontario and Rainy River Railway, from its junction with the Port Arthur, Duluth & Western Railway to a point at or near Fort Francis, a distance not exceeding two hundred and five miles, a cash subsidy of \$1,000 a mile, and from Fort Francis to the mouth of Rainy River, a distance not exceeding seventy-five miles, a cash subsidy of \$4,000 a mile—\$505,000.

Ontario and  
Rainy River  
Railway.

(5) To the Central Ontario Railway from Ormsby or Coe Hill to a point at or near Bancroft, a distance not exceeding twenty-one miles, a cash subsidy of \$3,000 a mile—\$63,000.

Central  
Ontario  
Railway.

(6) To the Central Counties Railway from Glen Robertson to Vankleek Hill, a distance not exceeding fourteen miles, a cash subsidy of \$2,000 a mile—\$28,000.

Central  
Counties  
Railway.

(7) To the Ontario, Belmont and Northern Railway for its extension southerly to a junction with the Canadian Pacific Railway at Central Ontario Junction and northerly from its present terminus in the direction of the Townships of Belmont and Lake, a distance not exceeding seven miles, \$3,200 a mile—\$22,400.

Ontario,  
Belmont  
and Northern  
Railway.

2. All the provisions of section 2 of chapter 35 of the Acts passed in the 52nd year of Her Majesty's reign, respecting the option of substituting half yearly payments for forty years in lieu of a cash payment, and all the conditions provided by section 3 of the said Act shall apply to the grants hereby made.

Application of  
52 V., c. 35,  
s. 2.

3. In addition to the payments out of the Consolidated Revenue Fund hereinbefore mentioned, there shall be set apart for the use of the Ontario, Hudson's Bay & Western Railway, and the James' Bay Railway, out of the lands of the Crown through which they may pass 5,000 acres to the mile of each of the said railways for the portions above mentioned, such areas to be selected in blocks of 5,000 acres on each side of the line alternately by taking the necessary number of lots as the townships are surveyed or outlined, or by taking the proportionate grant for each ten miles of railway (or 50,000 acres) in blocks on alternate sides of the line, such blocks to have a frontage on the line of ten miles each, or in such other way as may be agreed upon by the said Company and the Lieutenant-Governor in Council.

Land grants  
to Ontario,  
Hudson's Bay  
and Western  
Railway and  
to James' Bay  
Railway.

4.—(1) All pine timber on lands granted to the said Railways shall be reserved to the Crown and be the property of Her Majesty, who may place the same under timber license and grant to licensees of the Crown the right to enter upon the lands, make roads and do all things necessary to the removal of the said pine timber. No lands granted to the Railways valuable for the pine timber thereon shall be opened for sale or settlement until the assent of the Crown has been obtained.

Reservation of  
pine timber.

Where lands have been duly and legally settled upon, the settlers thereon shall have the right to cut and use such pine timber as they may require for building and fencing on the land on which they are settled, and may also cut and dispose of all pine trees required to be removed in the actual clearing of their land for cultivation, but no pine trees (except for the necessary building and fencing as aforesaid) shall be cut beyond the limit of such actual clearing, and pine trees cut in the process of clearing and disposed of shall be subject to the payment of the same dues as are at the time payable by the holders of licenses to cut timber or saw logs.

Rev. Stat.  
c. 36, except  
ss. 26-58 to  
apply.

(2) The lands granted to the said railways shall be subject to all the provisions of *The Mines Act*, and to all regulations made or to be made thereunder, saving and excepting parts II. and III. thereof, and any amendments made thereto, being sections 26 to 58 inclusive.

Conditions  
attached to  
subsidies.

5. The subsidies hereby granted shall be subject to the following conditions:

1. Each of the said companies shall furnish such information as to the location and plans of passenger and freight stations on the line of its railway as may from time to time be required by the Commissioner of Public Works, and in every case payment of the said subsidies shall be subject to compliance with such directions as may be given by the Commissioner of Public Works from time to time for the erection of stations and the number of, and intervals at which stoppages shall be made, at such stations for the accommodation of the public.

2. Every company to which aid is granted by this Act shall comply with such regulations as may from time to time be made by the Lieutenant-Governor in Council for the protection from fire of the woods and forests adjoining the line of railway, and shall also adopt the latest appliances which are in use for the said purpose.

Lapse of  
subsidies not  
earned.

6. So much of the subsidies granted to each of the said railways as is not earned within five years from the time of the passing of this Act shall lapse and revert to the Consolidated Revenue Fund of the Province.

Rolling stock,  
etc., to be of  
Canadian  
manufacture.

7. The subsidies hereby granted, and the subsidies granted to railway companies by any Act heretofore passed and which have not been earned or assigned or hypothecated prior to the passing of this Act, shall be further subject to the condition that the companies to which the same are granted shall, as far as practicable, construct, equip and operate their lines of railway with railway supplies and rolling stock of Canadian manufacture, whenever such railway supplies and rolling stock can be procured as cheaply and upon as good terms in Canada as

elsewhere



elsewhere, having regard to quality and price among other things, and unless the Lieutenant-Governor in Council shall approve of the same being procured elsewhere.

8. The grants aforesaid are made subject to the condition that the company aided shall not amalgamate with any other company, or lease or transfer the railway or its franchises or make pooling arrangements as to rates for freight or other charges, or adopt any method for placing such railways under the management or control, in whole or in part of any other railway or railways in any manner whatsoever, without the sanction of the Lieutenant-Governor in Council first had and obtained, and also subject to the condition that no persons shall be employed in the construction of the said roads who are subjects of any country which has an alien labour law which practically excludes Canadians from employment upon public works of such country or on other works therein.

Companies aided not to amalgamate with other companies, or employ certain class of workmen.

9. All the provisions of *The Act to secure payment of wages for Labour performed in the construction of Public Works* and of *The Act respecting Subsidies to Railways and to encourage the Manufacture of Railway Steel and Iron in the Province*, shall apply to the subsidies granted by this Act.

Rev. Stat. cc. 155, 210, to apply.

10. The Lieutenant-Governor or any person appointed by him in that behalf is empowered to decide what persons are to receive payment out of the subsidy hereby granted to the Central Counties Railway and what sums are to be paid thereout to workmen and to all other creditors to whom claims are owing and which have been incurred in respect of building the road of the said company between Vankleek Hill and Glen Robertson, and the balance only remaining after making such payments and after deducting any expenses incurred in determining the same shall be paid to the company.

Deduction from grant to Central Counties Ry. to meet claims of creditors.

11. The time for complying with the conditions on which the subsidy of \$7,500 granted under Chapter 49, 57 Victoria, to the Northern and Pacific Junction Railway for the construction of a spur line from a point at or near Burk's Falls to connect with the navigation of the Magnetawan River, a distance of about one and a half miles, is hereby extended for a further period of three years.

Extension of time granted to Northern and Pacific Junction Railway.

## CHAPTER 24.

An Act respecting the Ontario and Rainy River  
Railway.*Assented to 1st April, 1899.*

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows :—

Time for  
complying  
with condi-  
tions of sub-  
sidy extended.

1. The grant made to the Ontario and Rainy River Rail-  
way by the Act passed in the fifty-seventh year of Her  
Majesty's reign, chaptered 49, is transferred to that portion of  
the said railway extending from its junction with the Port  
Arthur, Duluth and Western Railway for a distance of thirty-  
five miles in a westerly direction, and the time for complying  
with the conditions on which the said grant was made is  
hereby extended for a period of three years.

## CHAPTER 25.

## An Act to amend The Electric Railway Act.

*Assented to 1st April, 1899.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. Section 131 of *The Electric Railway Act* is repealed and the following substituted therefor.

Rev. Stat.  
c. 209, s. 131  
repealed.

131. Where a railway passes a draw or swing bridge over a navigable river, canal or stream, which is subject to be opened for the purposes of navigation, the motor, car, carriage or train shall in every case be brought to a full stop, and the conductor or other officer in charge thereof shall ascertain from the bridge-tender that the bridge is closed and in perfect order for passing, and in default of so stopping the said railway company shall be subject in addition to all other penalties to a fine or penalty of four hundred dollars.

Cars to be  
stopped before  
crossing swing  
bridges, etc.

## CHAPTER 26.

## The Municipal Amendment Act, 1899.

*Assented to 1st April, 1899.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Rev. Stat.  
c. 223, s. 27  
amended.

1. Clause 4 of section 27 of *The Municipal Act* is amended by striking out all the words in the said clause from the commencement thereof down to and including the word “made” in the fourth line, and inserting instead of the said words the words, “no by-law of the council of the county made after the proclamation has been issued.”

Rev. Stat.  
c. 223, s. 68,  
amended.  
Readjustment  
of county  
council  
divisions.

2. Section 68 of the said Act is hereby amended by inserting after the word “city” in the fourth line thereof the words, “or where a separated town is reunited to the county.”

Rev. Stat.  
c. 223, s. 71,  
subs. 1  
amended.

3. Subsection 1 of section 71 of the said Act is amended by inserting at the commencement thereof the words, “subject to the provisions of section 71 *a*,” and by striking out all the words in the said subsection between the word “wards” in the fourth line and the word “provided” in the eleventh line thereof.

Rev. Stat.  
c. 223, s. 74  
repealed.

4. Section 74 of the said Act is repealed.

Rev. Stat.  
c. 223, s. 75  
amended.

5. Section 75 of the said Act is amended by striking out the word “the” at the end of the fourth line thereof and by adding at the end of the said section the words, “and shall together





Rev. Stat.  
c. 223, s. 115  
amended.

(7) Section 115 of the said Act is amended by striking out the second and third paragraphs of the form of oath therein contained and substituting the following therefor :

Oath of far-  
mers' son  
voter.

That on the day of 18  
(the day certified by the clerk as the date of the final revision and correction of the assessment roll upon which the Voters' list used at the election is based, or, at the option of the voter, the day certified by the clerk as the last day for making complaint to the county judge with respect to such voters' list) A.B. (naming him or her) was actually, truly and in good faith possessed to his (or her) own use and benefit as owner (or as tenant under a lease the term of which was not less than five years) as you verily believe of the lands in respect of which your name is so as aforesaid entered on said list of voters.

That you are a son (or stepson) of the said A.B.

Rev. Stat.  
c. 223, s. 118,  
subs. 1  
amended.

9.—(1) Subsection 1 of section 118 of the said Act is amended by striking out the words, "and of mayor, reeve and deputy-reeves in towns" in the third and fourth lines and inserting in lieu thereof the words "and towns," and by striking out all the words in the said subsection after the word "forenoon" in the sixth line thereof.

Rev. Stat.  
c. 223, s. 118,  
subs. 2  
amended.

(2) Subsection 2 of section 118 of the said Act is amended by striking out the words "reeve and deputy-reeves" at the end of the said subsection.

Rev. Stat.  
c. 223, s. 119  
amended.

(3) Section 119 of the said Act is amended by striking out the words "deputy-reeves" in the fourth line, the word "in" and the words "not divided into wards" in the fifth line, and all the words in the said section after the figures "123" in the tenth line.

Rev. Stat.  
c. 223, s. 120  
amended.

(4) Section 120 of the said Act is amended by striking out the words "reeve, deputy-reeve or deputy-reeves" in the seventh line, and inserting in lieu thereof the words "or reeve and alderman or."

Rev. Stat.  
c. 223, s. 121  
repealed.

(5) Section 121 of the said Act is repealed.

Rev. Stat.  
c. 223, s. 122  
repealed.

(6) Section 122 of the said Act is repealed and the following substituted therefor :

Nomination  
of reeve and  
councillors in  
townships.

122. Notwithstanding anything contained in section 119 of this Act the council of any township may by by-law provide that the nomination for reeve and councillors may be held at one o'clock in the afternoon.

Rev. Stat.  
c. 223, s. 123  
amended.

(7) Section 123 of the said Act is amended by striking out the words "deputy-reeves" in the fifth line thereof.

Rev. Stat.  
c. 223, s. 124  
amended.

(8) Section 124 of the said Act is amended by striking out the word "deputy-reeve" in the third line thereof.

Rev. Stat.  
c. 223, s. 125  
amended.

(9) Subsection 1 of section 125 of the said Act is amended by striking out the word "deputy-reeves" in the third line thereof.

**10.** Sub-section 2 of section 129 of the said Act is amended by inserting after the word "or" in the first line thereof the words, "at any time before nine o'clock p.m."

Rev. Stat. c. 123, s. 129, sub. 2 amended.

Resignation of candidates.

**11.** Section 140 of the said Act is repealed and the following section substituted therefor:

Rev. Stat. c. 223, s. 140 repealed.

140.—(1) In the case of cities and towns in which the aldermen or councillors are elected by wards the names of the candidates for mayor shall not be included in the same ballot with the names of the candidates for aldermen and councillors respectively but one kind or set of ballot papers shall be prepared for all the wards or polling subdivisions containing the names of the candidates for mayor, and another kind or set shall be prepared for each ward or polling subdivision containing the names of the candidates for aldermen or councillors in the ward.

Ballot papers where election is by wards.

(2) In case of cities and towns in which the aldermen or councillors are elected by general vote one kind or set of ballot papers shall be prepared for all the wards or polling subdivisions containing the names of the candidates for mayor and the names of the candidates for aldermen or councillors as the case may be.

Where aldermen and councillors are elected by general vote.

(3) In the case of villages and townships one kind or set of ballot papers shall be prepared containing the names of the candidates for reeve and the names of the candidates for councillors.

Ballot papers for townships and villages.

**12.**—(1) Subsection 1 of section 156 of the said Act is amended by striking out clause *a*, and substituting the following:

Rev. Stat. c. 223, s. 156 subs. 1, amended

(*a*) The last day for making complaints to the county judge with respect to the voters' list to be used at the election, and also"

Certificate of clerk as to last day for making complaints.

(2) Subsection 3 of the said section 156 is amended by striking out all the words after the word "voters" in the third line and inserting in lieu thereof the words "the date of the final revision and correction of the assessment roll or the last day for making complaint to the county judge with respect to the voters' list (as the case may be)."

Rev. Stat. c. 223, s. 156, subs. 3, amended.

(3) Schedule "D" to the said Act is repealed and the form set out in Schedule D to this Act is substituted therefor.

Rev. Stat. c. 223, Schedule "D," repealed.

**13.** Section 158 of the said Act is repealed and the following substituted therefor:

Rev. Stat. c. 223, s. 158 repealed.

158. In towns and cities in which the councillors or aldermen are elected by wards every elector may vote in each ward in which he has been rated for the necessary property qualification for councillors or aldermen, but the elector shall be limited to one vote for mayor of a city or town.

Number of votes of each elector.



Rev. Stat.  
c. 223, s. 161  
amended.

**14.** Section 161 of the said Act is amended by striking out all the words therein after the word "mayor" in the second line down to and including the word "wards" in the fourth line and by inserting at the commencement of the said section the words "In the case of cities and towns in which the aldermen or the councillors, as the case may be, are elected by wards."

Rev. Stat.  
c. 223, s. 162,  
subs. 1  
amended.

**15.** Subsection 1 of section 162 of the said Act is amended by striking out the words, "or in towns, villages or townships for deputy-reeve" in the first and second lines, and the words "or deputy-reeve" in the third line, and by inserting the word "or" before the word "reeve" in the third line.

Form of ballot  
papers in  
cities and  
towns.

**16.—(1)** The form of ballot papers as set out in schedule A to the said Act for use in cities shall not apply in the case of cities in which the aldermen or councillors are elected by general vote, but in the case of such cities and in the case of towns in which the aldermen or councillors are elected by general vote the form of ballot paper to be used shall be that set out in schedule A to this Act.

Form of ballot  
papers.

**(2)** The forms of ballot papers set out in schedule A of the said Act for use in case of townships divided into wards and in the case of incorporated villages and townships not divided into wards are repealed and the forms set out in schedule B to this Act are substituted therefor.

Directions to  
voters,  
Rev. Stat.  
c. 223, sched.  
B amended.

**(3)** Schedule B to the said Act, being directions for the guidance of voters in voting is amended by striking out all the words therein after the words "hard labour" at the end of the seventh paragraph of the said schedule and inserting in lieu thereof the form set out in schedule B to this Act.

Rev. Stat.  
c. 223, s. 189,  
subs. 8, cl. 5,  
amended.

**17.** Clause 5 of subsection 8 of section 189 of the said Act is amended by striking out the words "clerk of the municipality" in the fourth line and inserting in lieu thereof the words "returning officer."

Rev. Stat.  
c. 223, s. 191,  
sub.-s. 2  
amended.

**18.** Subsection 2 of section 191 of the said Act is amended by inserting after the word "forward" in the third line of the said subsection the words "to him" and by striking out the words "for the purpose of production before him to the clerk of the county."

Rev. Stat.  
c. 223, s. 263,  
amended.

**19.—(1)** Section 263 of the Act is amended by striking out the words "after two ballots" in the third line of the said section, and inserting in lieu thereof the words, "after the council has voted twice."

Rev. Stat., c.  
223, amended.

**(2)** The said Act is further amended by adding thereto the following as section 274a:

Voting to be  
open and  
recorded by  
clerk.

Whenever a division is taken in a municipal council either upon the appointment of an officer of the corporation, the election



election of a warden or other presiding officer of the council or upon a by-law, resolution or for any other purpose, each member of the council present voting shall announce his vote upon the question openly and individually in the council, and the clerk shall record the same; and no vote shall be taken by ballot or by any other method of secret voting in any municipal council, and every vote so taken shall be void and of no effect.

(3) Sub-section (2) of section 276 of the said Act is amended by striking out the word "balloted" in the third line thereof and substituting therefor the word "voted," and by striking out the word "ballot" in the fourth line and substituting therefor the word "time."

Rev. Stat.,  
c. 223, s. 276,  
sub-sec. 2,  
amended.

20. The said Act is hereby amended by inserting the following section therein:

Rev. Stat. c.  
223 amended.

276*a*.—(1) The council of any city having a population of less than 100,000 but more than 45,000, may by by-law, to be passed at their first meeting in the month of January in any year, provide for a Board of Control to be constituted in the same manner and with the same powers and duties as a Board of Control in cities having a population of 100,000 or more. But the salaries to be paid to members of the Board shall not exceed for each member the sum of \$400 per annum.

Boards of  
Control in  
cities of more  
than 45,000  
and less than  
100,000.

(2) No by-law passed under the powers conferred by this section shall be repealed within 5 years from the adoption thereof and such by-law shall in no case be repealed except upon a two-thirds vote of the members of the council, in favour of such repeal.

(3) This section shall not apply to the city of Hamilton.

21. Section 378 of the said Act is amended by adding thereto, the following sub-sections.

Rev. Stat.  
c. 223, s. 378,  
amended.

(6) In lieu of the recognizance mentioned in sub-sections 4 and 5 of this section, the applicant may pay into Court the sum of one hundred dollars as security for any costs which may be adjudged to the municipality against the applicant, and the certificate of such payment into Court having been made, shall be filed in the High Court with the other papers relating to the motion.

Deposit as  
security for  
costs of mo-  
tion to quash  
by-law.

(7) Upon the determination of the proceedings the judge may order the money so paid into Court to be applied in the payment of costs, or to be paid out to the applicant in the discretion of the judge according to the result of the application.

Application of  
deposit on de-  
termination of  
application.

(8) Subject to any rules of Court, all moneys required to be paid into or out of Court under this section shall be paid in and

Procedure on  
payment into  
or out of  
court.

and paid out in like manner, as moneys are paid into and out of Court in actions pending in the High Court.

Rev. Stat.  
c. 223,  
amended.

**22.** The said Act is amended by inserting therein the following as section 378a :—

Who may  
apply to quash  
by-law affect-  
ing another  
municipality.

**378a.** Where it is alleged that a by-law of any municipality injuriously affects another municipality or the ratepayers thereof or any of them and that such by-law is illegal or contrary to law the said other municipality or any ratepayer thereof shall have the same right to apply to quash or set aside the by-law as a ratepayer of the municipality which passed or adopted the by-law may have, but in case an application to quash a by-law is made by a municipal corporation hereunder, such corporation shall not be required to give a recognizance under section 378 nor shall sub-sections 4 and 5 of the said section apply to any such application by a municipal corporation.

Rev. Stat. c.  
223 amended.

**23.** The said Act is amended by adding thereto the following as section 388a :

City by-laws  
for raising  
money for cer-  
tain bridges  
without as-  
sent of  
electors.

**388a.** The council of a city by by-law passed at any meeting of the council, without submitting the same for the assent of the electors, but subject to the approval of such by-law by the Lieutenant-Governor in Council, may raise such sum or sums of money as may be required to pay and liquidate its share of the cost and expense incurred in building and constructing and also of rebuilding and reconstructing bridges over any stream, which constitutes a dividing line between such city and any other municipality, and may in like manner pass a by-law or by-laws to raise such sum or sums of money as may be required to re-build any existing bridge within the municipality, and for such purposes, may issue debentures at such rates, for such times, not exceeding 20 years at the farthest, and upon such terms as such council may deem advisable, provided always that the aggregate amount to be raised for all of said purposes in any one year shall be limited according to population as follows: by a city having a population of not more than 20,000 the sum of \$10,000; by a city with a population of more than 20,000 and not more than 100,000 the sum of \$15,000; by a city with a population more than 100,000, \$20,000; such population to be determined by the last preceding Dominion census.

Proviso.

Rev. Stat.  
c. 223, s. 396,  
subs. 1  
amended.  
[Registration]  
of by-laws  
creating  
debts.

**24.—(1)** Subsection 1 of section 396 of the said Act is amended by adding in the second line thereof, after the word "Act" the words "a duplicate original or a copy certified as hereinafter mentioned of."

Rev. Stat.  
c. 223, s. 396,  
subs. 2  
amended.

**(2)** Subsection 2 of section 396 of the said Act is hereby amended by adding at the end thereof the words "such book

shall

shall be called the by-laws book and shall contain the following particulars: The registration number, the by-law number of the municipality, the title, the amount of the debt, the term of the debentures, the rate of interest, and the number of years over which the debentures are to extend, also whether the rates to be levied are upon the whole rateable property of the municipality or on part thereof."

Book for registration of by-laws.

25. Section 411 of the said Act is repealed and the following is substituted therefor:

Rev. Stat. c. 223, s. 411, repealed.

(a) Every municipal council may by by-law exempt any manufacturing establishment or any building for the storage of ice for commercial purposes or any waterworks or water company in whole or in part from taxation except as to school taxes for any period not longer than ten years and to renew this exemption for a further period not exceeding ten years.

By-laws for exemption from taxation.

(b) No such by-law shall be passed until the assent of the electors has been obtained in conformity with the provisions of this Act in respect of by-laws for creating debts.

Assent of electors required.

(c) To render valid a by-law of a municipality for granting exemption from taxation under this section the assent shall be necessary of two-thirds of all the electors on the voters' list as well as of a majority of the electors voting on the by-law.

When majority necessary.

(d) In addition to the certificate required by section 364 of this Act the clerk in case of a majority of the votes being in favour of the by-law shall further certify whether or not as far as shown by the voters' lists such majority appears to be two-thirds of all the electors who are entitled to vote on the by-law.

Certificate of clerk.

(e) The provisions of subsections 3 and 4 of section 366 of *The Municipal Act* shall apply to any such by-law.

Sec. 366, sub-s. 3, 4 to apply.

(f) Nothing in this section contained shall affect any by-law or agreement existing at the time of the passing of this Act.

Existing agreements.

(g) Nothing in this section contained shall prevent a municipal council from completing any agreements or arrangements, negotiations in respect of which have heretofore been carried on and are now pending with a view to exemption from taxation in whole or in part of any company or companies not situated in any other municipality of this Province under the provisions of *The Municipal Act* as they existed prior to the passing hereof, but any such agreements or arrangements may be completed and carried out as though this section had not been passed, nor shall it be necessary to submit any by-law for such purpose to the vote of the electors of the municipality. Provided nevertheless that any such agreement or arrangement shall be completed on or before the 1st day of September, 1899.

Completion of negotiations begun before Act.



Rev. Stat.,  
c. 223, s. 435,  
amended.

**26.** Section 435 of the said Act as amended by *The Municipal Amendment Act, 1898*, is further amended by adding thereto the following subsection :

Disqualifica-  
tion of coun-  
cillors for  
voting to  
exceed limit  
in borrowing  
for current  
expenditure.

4. The disqualification mentioned in subsection (2) shall not apply to the case of any member or members of any municipal council elected for the year 1899, not already unseated or who may have already resigned ; and the judgment of any court imposing such disqualification on any member or members of any municipal council who may have been unseated shall not disqualify him or them from holding any municipal office other than that of municipal councillor nor from holding the office of municipal councillor after the expiration of the present year, 1899.

Rev. Stat.,  
c. 223, s. 438,  
repealed.

**27.** Section 438 of the said Act is hereby repealed and the following section is substituted therefor :

Limitation of  
claims for  
damage to  
lands.

438. Every such claim, except in the cases of infants, lunatics and persons of unsound mind, shall be made within one year from the date when the real property was so entered upon, taken or used, or when the alleged damages were sustained or became known to the claimant, or, in cases of a continuance of damage, then within one year from the time when the cause of action arose or became known to the claimant. Any claim now existing of the nature aforesaid may be made within one year from the passing of this Act but not afterwards, except in the cases of infants, lunatics or persons of unsound mind.

Rev. Stat.,  
c. 223, s. 481,  
amended.

**28.** Section 481 of the said Act is amended by adding immediately before the words "in every city" in the first line thereof the following words, "notwithstanding anything in any special Act contained."

Rev. Stat.,  
c. 223,  
amended.

**29.** The said Act is amended by inserting therein the following section:—

Discretion in  
granting or  
refusing  
licenses.

486a. The granting or refusing of a license to any person to carry on a particular trade, calling, business or occupation under any of the powers conferred upon the municipal council or Board of Police Commissioners of any municipality by this Act shall be deemed to be in the discretion of the council or board as the case may be and the council or board shall not be bound to state any reason for the granting or the refusing of any such license.

Rev. Stat.  
c. 223,  
amended.

**30.—(1)** Section 516 of the said Act is hereby amended by adding thereto the following subsection :

Settlement of  
amount pay-  
able by city or  
town for use  
of court house  
in certain  
cases.

(a) Where in any city or town the court house and gaol have been erected at the expense of the county after the separation of such city or town from the county and before the 29th day of March, 1873, and such city or town has not erected separate



ate buildings, in default of any agreement between the city or town and county the arbitrators shall, in making their award, take into account the use of the court house by the inhabitants of such city or town in common with the inhabitants of the county, and apart from and in addition to any amount payable under this Act for the use of the said buildings by the city or town as a municipal corporation or for municipal purposes, and to the extent of the use of the said buildings by the inhabitants of the said city or town and of the county respectively or by the municipal corporation of the said city or town and the municipal corporation of the county respectively for any or all purposes jointly or severally as well connected with the general administration of justice of the entire county and city or town as for the separate use for municipal purposes by either the county or the city or town, and in estimating the amount to be paid by the city or town to the county the arbitrators shall award a proportion of the annual interest upon the cost incurred prior to the said date in the erection of such buildings, which interest shall be computed at the rate of five per centum per annum, and the amount so awarded to be paid by the city or town shall be in addition to the amount payable by such city or town under section 509 and the preceding subsections of this section.

(2) Section 512 of the said Act is repealed and the following substituted therefor:—

Rev. Stat.  
c. 223, s. 512,  
repealed.

“512. Nothing in sections 510, 511 or 511a shall affect any agreement or award in force on the 1st day of July, 1897, or any action or proceeding at law pending on said date, but the said sections shall apply in case of any agreement or award thereafter made between any such county and city or separated town.”

Pending  
actions and  
awards now in  
force.

31. Section 524 of the said Act is amended by adding thereto the following subsection:—

Rev. Stat. c.  
223, s. 524  
amended.

(8) In case any person who is an inmate of such house of industry or house of refuge is possessed of any real or personal property and desires to transfer by way of security or by absolute conveyance such real or personal property to the municipal corporation having control of such house of industry or house of refuge as payment or compensation for his maintenance for such time as he remains an inmate therein or as may be agreed upon, such person may convey or transfer either by way of security or absolutely as aforesaid such real or personal property to the municipal corporation, and the municipal corporation may receive and hold such real or personal property for the purposes of the corporation and may dispose of the same in such manner as the council may deem proper or in case such property is only held by way of security the said corporation shall, upon the death of such person, sell and dispose of the same and apply the proceeds in payment of the

Inmates of  
houses of in-  
dustry or re-  
fuge.

actual

actual cost of maintenance of such person in such house with interest thereon at six per cent. per annum, together with the cost of realizing on said property. The balance of such proceeds, if any, shall go to the person entitled thereto as if such conveyance had not been made or according to his direction; but no such conveyance shall be valid unless executed in the presence of the judge of the county and unless there shall be endorsed thereon a certificate signed by such judge stating that he has examined the grantor and is satisfied that the transfer is not under the circumstances improvident and was made by the grantor voluntarily and that he understood the effect thereof and desired to make such conveyance.

Rev. Stat.  
c. 223, s. 526  
amended.

**32.**—(1) Subsection 1 of section 526 of the said Act is amended by striking out of the first line of paragraph 3 thereof the words “lewd, dissolute and.”

(2) The said section is hereby further amended by adding the following subsection thereto:

Committal to  
house of  
industry.

(3) But before any such person is actually received into such House of Industry or Refuge the commitment shall be approved by the municipality in which such commitment takes place or by a member of the county council in writing.

Rev. Stat.  
c. 223  
amended.

**33.** The said Act is amended by inserting therein immediately after section 542 of the said Act the following, as section 542a:—

Establish-  
ment of fire  
limits in unin-  
corporated  
villages.

542a. The council of any township may by by-law set apart any unincorporated village or settlement and its immediate neighbourhood in the township, and may pass by-laws applicable within the limits of the territory so set apart for any or all of the purposes mentioned in subsection 1 of section 542 of this Act.

Rev. Stat.  
c. 223, s. 542,  
amended.

**34.** Section 542 of the said Act is amended by adding the following subsections:

Storing  
explosives.

17a. For limiting the quantity of gunpowder or of any other explosive substance to be kept in any place other than a powder magazine, and to regulate the manner in which such gunpowder or other explosive substance must be stored;

Regulating  
the establish-  
ment of  
factories for  
explosives,  
etc.

17b. For regulating the establishment within the municipality of factories or other places for the manufacture or storage of gunpowder or any explosive substance, and for providing for the submission of plans of the premises in which it is proposed to carry on such manufacture or storage and their approval by the council before the business of manufacturing or storing is commenced, and for making regulations respecting the walls or fences by which such buildings are to be surrounded at a fixed height and distance, and for regulating the distance from  
any

any other building at which such manufacture or storage may be carried on ;

17c. For regulating the carrying on of the business of manufacturing or storing gunpowder or any explosive in the municipality, whether such business has been heretofore or shall be hereafter established, and for providing for the precautions to be taken for the prevention of accidents arising therefrom ;

Regulating business of manufacturing and storing explosives.

17d. For granting licences for carrying on the business of manufacturing or storing of gunpowder or other explosive substance in quantities of more than twenty-five pounds and for providing for the length of time, not exceeding five years, during which such licenses shall be in force, and that the renewal of the same shall be in the discretion of the council, but no license fee imposed under this section shall exceed the sum of \$25 per month for every month during which the business is carried on.

Licensing manufacturers and storage of explosives.

35.—(1) Subsection 4 of section 566 of the said Act is amended by striking out the first six lines and article (a) thereof, and inserting in lieu thereof the following words and articles (a) to (a9) inclusive :—

Rev. Stat. c. 223, s. 566, subs. 4, amended.

By the councils of cities, towns and villages.

4. For constructing gas, electric light or water works, and for levying an annual special rate to defray the yearly interest of the expenditure therefor and to form an equal yearly sinking fund for the payment of the principal within a time not exceeding thirty years and not less than five years for gas or water works, in the case of any such city, town or village, or for electric light works in towns having a population of 5,000 or less, as ascertained by the latest census of Canada, and in villages, and not exceeding twenty years or less than five years for electric light works in cities and towns having a population of over 5,000 as ascertained by such latest census.

By-law for constructing gas, electric lighting and water works.

(a) In case there is any gas, electric light or water company incorporated for or in the municipality, the council shall not levy any such special rate, or construct works for lighting the public streets, until such council has, by by-law, fixed a price to offer for the works and property of the company or companies, nor until after thirty days have elapsed after notice of such price has been communicated to the company or companies, without the company or companies having accepted the same, or without the company or companies having, under the provisions of this Act, as to arbitrations, named and given notice of an arbitrator to determine the price, nor until the price accepted or awarded has been paid, or has been secured to the satisfaction of the company or companies, and in case the company or companies and the municipality do not agree, the said price shall be determined by arbitration under this Act; and where there is more than one such company in the municipality

Council to buy out electric lighting companies.



municipality the arbitrators shall determine the share or proportion of the price to be paid to each company. This clause (a) shall only apply to a gas or electric light company that has supplied or shall supply gas or electric light for street lighting in the municipality, or to a water company that has supplied or shall supply water for street hydrants in the municipality.

(a2) In any arbitration under clause (a) hereof to determine the price to be paid for the works and property of a gas or water company, the arbitrators shall determine the actual value of such works and property having regard to what the same would cost if the works should be then constructed or the property then bought making due allowance for deterioration and wear and tear, and making all other proper allowances, but not allowing anything for prospective profits or franchise and shall increase the amount so ascertained by ten per cent. thereof, and such increased amount shall be the amount which the arbitrator or arbitrators shall award as the price to be allowed for the said works and property.

(a3) In any arbitration under clause (a) hereof to determine the price to be paid for the works and property of an electric light company the arbitrators shall determine the actual value of such works and property having regard (1) to what the same would cost if the works should be then constructed or the property then bought; (2) to the condition of the works and to any deterioration thereof from use and wear and tear or by reason of the system or appliances having become in whole or in part obsolete; (3) to the value of such works and property to the municipal corporation for the purposes and to the extent to which the municipality can make use of the same and to such value for commercial and such other purposes as a company could use them for; and (4) to the cost of procuring more valuable or modern improvements or appliances therefor, if any, and the cost of acquiring the right to use and of adapting such improvements, the arbitrators making all proper allowances but not allowing anything for prospective profits or franchise, and such amount so ascertained shall be the amount which the arbitrators shall award as the price to be allowed for the works and property.

**Purchase.**

(a4) Where in any of the said municipalities the municipal council desires to construct works as aforesaid to supply light for street lighting and other public uses on highways, or to supply water for street hydrants and other public uses on highways, but not for commercial purposes, the council may by the said by-law, limit the price to be offered as aforesaid to a price for part only or for the use of part or for the purchase of certain parts and the use of other parts of the works of a company, that is to say, to so much thereof as may be required for such public uses, and in the event of an arbitration hereunder thereafter held to determine as to such offer and price, the arbitrator or arbitrators shall have power, after taking into consideration the effect of severance, if any, or user



user on the remaining property and business of the company, to award a severance of the works, if the arbitrator or arbitrators shall determine that after severance, if any, or user the company will be in all probability, having regard to the nature of the business, and all the circumstances, in a position to successfully carry on that part of their business which consists in supplying private consumers at rates not less favourable to the consumers, the company to have the right to continue to operate the balance of their works for that purpose, and if the arbitrator or arbitrators shall so award a severance, they shall, by their award, determine what part of the works the municipality shall acquire for said purposes before levying the said special rate, as well as the price thereof, but nothing herein contained shall affect the right of the council at any subsequent time to offer a price for the said balance of the said works under the provisions of this Act.

(a5) And if within one month after the publication of any award made under article (a) or (a4) hereof the municipality shall give notice in writing to the company that they will not accept the terms thereof their offer may be withdrawn provided they first pay all costs of the reference and award and provided also that in the event of such withdrawal the municipality shall not until after the expiration of two years from such withdrawal be entitled to again avail themselves of the provisions of the clause under which the award was made.

(a6) In case there is any gas, or electric light company <sup>Contract.</sup> supplying gas, electric energy or light or water company supplying water in any municipality, the council may, by by-law, fix a price and terms to offer for the supply by contract by such gas or electric light company of gas or electric energy or light for street lighting and other public uses, or for the supply, by contract by such water company of water for street hydrants and other public uses for a term of not less than five years and not more than ten years, and after thirty days have elapsed after notice of such price and terms has been communicated to the company without the company's having accepted the same, the council may, under the provisions of this Act as to arbitrations, name and give notice of an arbitrator to determine the price and terms of the contract for such supply of gas or electric light as aforesaid, and in case the company and the municipality do not agree the said price and terms shall be determined by arbitration under this Act.

(a7) Upon an application in writing signed by not less than five ratepayers of the municipality, the council of any municipality may in its discretion by by-law permit the persons making such application to use the name of the municipal corporation for the purpose of taking proceedings to determine the price at which electric light shall be supplied to inhabitants of the municipality for domestic and other purposes: provided that no such by-law shall be passed until the persons making such application

application have given satisfactory security to the council to indemnify the municipal corporation against all costs which may be incurred in the arbitration proceedings. After the passing of such by-law, the said applicants may in the name of the municipal corporation name and give notice of an arbitrator to determine the price and terms of the contract for the supply of electric light or energy to the inhabitants of the municipality for domestic and all other lighting purposes; and for the purposes in this paragraph set forth, the said applicants so acting in the name of the municipal corporation shall have the power to do all necessary things and take all necessary steps, and their acts shall be as binding upon the municipal corporation, as if the said proceedings were taken by the municipal council thereof, and in case the company and the applicants so acting in the name of the municipal corporation do not agree, the said price and terms shall be determined by arbitration under this Act. The municipal corporation shall have the right and is hereby authorized to take proceedings by arbitration in its own name for the purposes in this subsection mentioned and shall have all necessary powers for that purpose whether on its own motion or when used as in this subsection is provided.

Individual.

(a8) All the provisions of this section shall apply where an individual supplies electric light or electrical energy, or gas or water for municipal and public purposes. In all such cases the municipal corporation and the individual shall proceed hereunder, and be subject to the provisions hereof in the same manner as if the individual were a company.

Official  
arbitrators.

(a9) Any municipal corporation and company or individual may agree that the official arbitrator appointed under *The Act respecting Municipal Arbitrations* shall determine any matters in difference hereunder, and in such case his award shall be final and binding upon the parties as if such award had been made by arbitrators appointed under this Act.

Rev. Stat.  
c. 223, s. 566,  
subs. 4, s. 569,  
subs. 7  
amended.

(2) Article (b) of the said sub-section 4 and sub-section 7 of section 569 of the said Act are hereby amended by adding at the end thereof respectively the following words: "Or the provisions contained in any contract now existing between any municipal corporation and any company."

Rev. Stat. c.  
223, s. 566,  
subs. 4,  
amended.

(3) Articles (d) and (e) of the said subsection 4 of section 566 are amended by adding the words "electric light" after the word "gas" wherever the latter word occurs in the said clauses, and by inserting after the words "supply pipe" in the seventh line the words "or wires."

Rev. Stat. c.  
223, s. 569,  
subs. 5,  
amended.

(4) Subsection 5 of section 569 of the said Act is hereby amended by inserting the words "electric light" after the word "gas" wherever the latter word occurs in the said subsection 5 or in the title thereof.

By-laws and  
contracts  
already in  
force.

(5) Nothing in this section contained shall apply to or affect any by law now in force or which had at the time of the passing of this section come into effect nor to any contract here-  
tofor<sub>e</sub>

tofore made or entered into between a municipal corporation and any gas, electric light or water company; nor shall anything in this Act contained be deemed to prevent any contract being entered into hereafter between a municipal corporation and any such company or any by-law being passed by a municipal council not inconsistent with this Act in the same manner and for the same purpose and to the same extent as heretofore.

**36—**(1) Subsection 2 of section 579 of the said Act is amended by adding after the word "poultry" in the second line thereof the words "honey, celery, small fruits or other articles in hand basket."

Rev. Stat.  
c. 223, s. 579,  
subs. 2,  
amended.

(2) In any municipality wherein the market fees have been let or sold, this section shall come into effect only after the expiration of the time for which such fees have been so sold.

Certain articles not to be subject to market fees.

**37—**(1) Sub-section 22 of section 583 of the said Act is repealed and the following substituted therefor:

Rev. Stat.  
c. 223, s. 583,  
subs. 22  
repealed.

*Junk and Second-hand Shops.*

By the councils of counties and separated towns and by the Board of Police Commissioners in cities.

Licensing and regulating junk shops, etc.

**22** For licensing and regulating junk stores or shops, and second hand shops and dealers in second hand goods, and for revoking and cancelling the license of any person convicted of a second offence against such by-law or convicted of an offence against part 25 of *The Criminal Code, 1892*.

*By the Councils of counties, cities and separated towns.*

**22a.** For fixing the fee (not to exceed \$20 for one year) to be paid for every license required under by-laws passed under the preceding clause 22.

(2) Clauses 23 and 35 of section 583 of the said Act are amended by adding at the end of the said paragraphs respectively the words:

Rev. Stat.  
c. 223, s. 583,  
subs. 23 and 25,  
amended.

"And for revoking any license so granted whenever the council or board deems such revocation desirable without stating any reason therefor, but in the case of the revocation of a license under any such by-law, the treasurer of the municipality shall refund to the licensee such proportionate part of the license fee as will represent the unexpired portion of the term for which the license was granted."

By-laws for revocation of licenses to tobacconists and eating houses.

**38.** Subsection 1 of section 591 of the said Act is amended by adding at the end thereof the following words: "or in aid of any association formed for the holding of a fat stock or live stock show or exhibition or any exhibition for the promotion or improvement of farming in any of its branches or departments."

Rev. Stat.  
c. 223, s. 591,  
subs. 1,  
amended.  
Aid to live stock shows.



Rev. Stat.  
c. 223, s. 606  
amended.

**39.** Section 606 of the said Act is amended by adding the following as subsection 4:

Notice of  
claim for non-  
repair of high-  
ways where  
municipalities  
jointly liable.

(4) Where the claim for damages is against two or more municipalities jointly responsible for the repair of the road, street, bridge or highway, no action shall be brought to enforce such claim under this section unless the notice to each of the municipalities jointly liable has been served or mailed as provided in subsection 3 within the period or periods therein mentioned.

Rev. Stat. c.  
223, s. 640, ss.  
11, amended.  
Sale of road  
allowance to  
owners of ad-  
joining lands.

**40.** Clause (a) of sub-section 11 of section 640 of the said Act is amended by inserting immediately after the word "along" in the second line of said clause (a) the words "or leading to."

Rev. Stat.  
c. 223, s. 666,  
amended.

**41.** The following clause is hereby added to section 666 of the said Act.

Compelling  
municipality  
to maintain  
works con-  
structed as  
local improve-  
ments.

And any ratepayer whose property adjoins, and who has been assessed for the said works or improvements, may, on giving one month's notice to the said municipality that the said works or improvements are not in such good and sufficient state of repair, apply by a summary proceeding to a Judge of the High Court of Justice, or to a County Judge having jurisdiction in such municipality, for an order respecting the keeping of the said works or improvements in such a state of repair as may be reasonable and proper and as is hereinbefore required.

Rev. Stat., c.  
223, s. 668,  
subs. 1,  
amended.  
Petition for  
local improve-  
ments.

**42.**—(1) Subsection 1 of section 668 of the said Act is amended by adding at the end thereof the following words: "and after such final determination no name shall be removed from such petition without the consent of the Judge of the County Court."

Rev. Stat., c.  
223, s. 669,  
subs. 3,  
amended.  
Petitions  
against local  
improve-  
ments.

(2) Subsection 3 of section 669 of the said Act is amended by adding at the end thereof the following words: "and after such final determination no name shall be removed from the petition unless by the consent of the Judge of the County Court."

Rev. Stat. c.  
223, s. 678,  
amended.

**43.** Section 678 of the said Act is amended by inserting therein the following as subsection 2a thereof:—

Corporation's  
share of  
certain  
permanent  
sidewalks.

(2a) The council of the corporation may provide from the general funds of the municipality or raise by way of loan upon debentures of the municipality such larger or smaller proportion than 40 per cent. as they may deem expedient of the cost of construction of granolithic, stone, asphalt, cement or brick sidewalks upon any streets of the city or town on an affirmative vote of three-fourths of the members of the council and the provisions in this section contained shall apply to the proportions or percentages of the contributions to be paid by the city corporation



corporation and the owners of the property benefited respectively, such percentages being substituted for the terms forty per cent. and sixty per cent. respectively in any by-laws to be passed or debentures to be issued or proceedings taken relating to such sidewalks or to the payment therefor.

44.—(1) Sub-section 1 of section 699 of the said Act is repealed, and the following is substituted therefor:

Rev. Stat.  
c. 223, s. 699,  
sub-section 1  
repealed.

Aid to street  
railways.

“One-fourth in number of the persons shown by the last revised assessment roll to be the owners of real property comprised in a township, city, town or village, or any portion of any such municipality to be defined in the petition hereinafter referred to, and who according to such assessment roll represent at least one-third of the value of such property, may petition the council to aid any street railway company by granting money or debentures by way of bonus or gift or by way of loan to such company to assist in the construction of the railway to, through, or partly through or near to such municipality or portion thereof, and may in such petition define the manner and amount of the aid desired.”

Rev. Stat.  
c. 223, s. 699,  
sub-section 2  
amended.

(2) Subsection 2 of the said section 699 is amended by striking out the words “portion of the municipality” wherever they occur in the section and substituting therefor in each case the words “municipality or portion thereof.”

61 V. c. 2, s.  
16, subs. 2  
repealed.

45. Subsection 2 of section 16 of *The Municipal Amendment Act, 1898*, is repealed and the following substituted therefor:—

Rev. Stat.  
c. 223, s. 425,  
61 V. c. 23, s.  
16, subs. 1,  
amended.

2. In the case of a town, township or village, any portion of which is situate within two miles of a city containing more than 100,000 inhabitants, the amount so borrowed and outstanding shall not exceed eighty per cent. of the taxes levied in the preceeding municipal year.

Aid to ferries.

46. The council of any township, town or village may pass by-laws for making an annual grant not exceeding \$100 towards the maintenance of a ferry over any navigable water separating a part of such municipality from the remainder thereof, or separating such municipality from any other municipality in the Province of Ontario.

License fund  
for police  
villages.

Rev. Stat.  
c. 245.

47. The council of any township in which a police village or part of the territory comprising a police village is situated, may by by-law provide that the whole or any part of the sums collected and received by the township for licenses issued for premises situated in the police village or penalties imposed for offences committed in the police village under *The Liquor License Act*, shall be placed to the credit of the police village in the books of the township treasurer and be available for the purposes of the said village.

Appointment  
of constable  
for police  
village.

48.—(1) The police trustees of any police village may appoint a constable, who shall have the same powers and shall perform the same duties within the police village as a constable appointed by the council of an incorporated village.

Remuneration  
of constable.

(2) Every constable so appointed shall be paid by the township treasurer out of the funds at the credit of the police village such salary or other remuneration as the police trustees shall order in writing.

By-laws re-  
specting cattle  
running at  
large; licenses  
for billiard  
rooms, exhibi-  
tions, tobac-  
conists.

49.—(1) The municipal council of any township in which a police village or any part thereof is situate shall at the request of the police trustees pass by-laws applicable only within the police village or such part thereof as may be situate in the township for any of the purposes mentioned in section 546 or in paragraphs 4, 5, 8, 9, 28 and 29 of section 583 of *The Municipal Act*, and thereafter no general by-law of the township for any of the said purposes shall apply or be in force in the police village.

License fees ;  
application.

(2) All sums collected for license fees or for penalties under any by-law passed under the preceding subsection shall be paid over to the township treasurer and be by him placed to the credit of the police village and applied to the purposes thereof.

Rev. Stat.  
c. 225, s. 1,  
subs. 2,  
amended.

50. Sub-section 2 of section 1 of chapter 225, of the Revised Statutes of Ontario, 1897, is amended by adding after the word "persons" in the seventh line thereof the following words :—

Withdrawal  
of township  
from union  
municipality.

"And any township heretofore incorporated in any such union municipality having a population of less than fifty persons may, upon the petition to the Lieutenant-Governor in Council of any ratepayers or persons owning lands in said township, be withdrawn from said union municipality upon such terms as the Lieutenant-Governor in Council may direct, and the said union or organization of municipalities may be dissolved or the limits thereof specified if the Lieutenant-Governor in Council deems it expedient.

Name of  
Township of  
Coffin  
changed.

51. The name of the township known as the Township of Coffin and Coffin Additional, in the Territorial District of Algoma is hereby changed to, and the said township shall hereafter be named the Township of Aberdeen.

Name of  
Desert Lake  
changed to  
Gordon Lake.

52. The lake known as Desert Lake and so named in the surveys of the Crown Lands Department, in the District of Algoma, is hereby changed to and the said lake may hereafter be known and described as Gordon Lake.

Rev. Stat. c.  
250, s. 4,  
subs. 3  
repealed.

53. Subsection (3) of section 4 of *The Act respecting the Slaughtering of Cattle and the Inspection of Milk and Meat*

*Supplies*

*Supplies of Cities and Towns* is repealed and the following substituted therefor:—


(3) This section shall not come into operation and no proceedings thereunder shall be taken until the close of the next session of the Legislature.

### SCHEDULE A.

(Section 16.)

#### FORM OF BALLOT PAPER.

In the case of cities and towns in which aldermen or councillors are elected by general vote and for incorporated villages and townships.

 <div data-bbox="266 614 340 1298" style="text-align: center;"> <p>Election of Members of the Municipal Council of the in the County of _____, Polling subdivision No. _____ day of January, 18 ____.</p> </div>	<p>FOR MAYOR (OR REEVE)</p>	<p style="text-align: center;"><b>BROWN.</b></p> <p style="text-align: center;">John Brown, of the Village of Weston, Merchant.</p>
	<p>FOR ALDERMEN (OR COUNCILLORS.)</p>	<p style="text-align: center;"><b>ROBINSON.</b></p> <p style="text-align: center;">George Robinson, of the Vil- lage of Weston, Physician.</p>
	<p style="text-align: center;"><b>BULL.</b></p> <p style="text-align: center;">John Bull, of the Village of Weston, Butcher.</p>	
	<p style="text-align: center;"><b>JONES.</b></p> <p style="text-align: center;">Morgan Jones, of the Village of Weston, Grocer.</p>	
	<p style="text-align: center;"><b>McALLISTER.</b></p> <p style="text-align: center;">Allister McAllister, of the Village of Weston, Tailor.</p>	
	<p style="text-align: center;"><b>O'CONNELL.</b></p> <p style="text-align: center;">Patrick O'Connell, of the Village of Weston, Milkman.</p>	

### SCHEDULE B.

(Section 16.)

#### AMENDMENT TO DIRECTIONS FOR THE GUIDANCE OF VOTERS IN VOTING.

In the following forms of ballot paper, given for illustration, the candidates are, for County Councillors, Martin Chuzzlewit, David Copperfield, and Arthur Pendennis; for Mayor, Jacob Thompson and Robert Walker; for Councillors, John Bull, Morgan Jones, Allister McAllister and Patrick O'Connell;



O'Connell; and the elector has marked the first ballot paper in favour of Martin Chuzzlewit and Arthur Pendennis for County Councillors, the second ballot paper in favour of Jacob Thompson for Mayor, and the third ballot paper in favour of John Bull and Patrick O'Connell for Councillors.

	Election for the County Councillors for the (first) County Council Division of the (County) of Township of Ward No. , Polling subdivision No. , day of January, 18 .	FOR COUNTY COUNCILLORS.	<p>CHUZZLEWIT.</p> <p>Martin Chuzzlewit, of the Town of Bothwell, Barrister.</p>	<b>X</b>
			<p>COPPERFIELD.</p> <p>David Copperfield, of the Village of Tilbury, Gentleman.</p>	<b>X</b>
	Election for the Members of the Municipal Council of the Ward No. , day of January, 18 .	FOR MAYOR.	<p>THOMPSON.</p> <p>Jacob Thompson, of the Town of Barrie, Merchant.</p>	<b>X</b>
			<p>WALKER.</p> <p>Robert Walker, of the Town of Barrie, Physician.</p>	<b>X</b>
	Election for the Members of the Municipal Council of the Ward No. , Polling subdivision No. , day of January, 18 .	FOR COUNCILLORS.	<p>BULL.</p> <p>John Bull, of the Town of Barrie, Butcher.</p>	<b>X</b>
			<p>JONES.</p> <p>Morgan Jones, of the Town of Barrie, Grocer.</p>	<b>X</b>
			<p>McALLISTER.</p> <p>Allister McAllister, of the Town of Barrie, Tailor.</p>	<b>X</b>
			<p>O'CONNELL.</p> <p>Patrick O'Connell, of the Town of Barrie, Milkman.</p>	<b>X</b>



SCHEDULE D.

(Section 12.)

CERTIFICATE AS TO ASSESSMENT ROLL AND VOTERS' LIST.

Election to the Municipal Council of the  
of

I, A.B., clerk of the municipality of in the  
county of do hereby certify that the assess-  
ment roll for this municipality of upon which the  
voters' list to be used at this election is based, was finally revised and cor-  
rected on the day of 19  
and that the last day for making complaint to the county judge with  
respect to the said list was the day of 19  
Dated this day of 19

[Seal.]

A.B.  
Clerk.

## CHAPTER 27.

## The Assessment Amendment Act, 1899.

*Assented to 1st April, 1899.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat.  
c. 224, s. 7,  
subs. 16  
amended.

1. Subsection 16 of section 7 of *The Assessment Act* is hereby amended by adding thereto the following words: "and also all farming implements and vehicles, and all hay, grain and other farm products being the property of said owner or tenant and on the premises owned or occupied by him."

Rev. Stat.  
c. 224, s. 135,  
amended.

2. Section 13 of the said Act is amended by adding at the end thereof the following sub-section:

Form of as-  
sessment roll  
in cities over  
100,000 varied.

(8) In case of a city having a population of 100,000 or more, the form of the assessment roll may be varied so as to shew in column two the name of the occupant, if any, and if no occupant, then by inserting the words "vacant lot"; and in column six, the name and address of the owner or lessee, if such lessee holds a ground lease extending over twenty-one or more years, and by shewing by the letters O and L the fact of whether the person named in such column is the owner or lessee as aforesaid, instead of the form in this section set out.

Rev. Stat. c.  
224, s. 58  
amended.

3. Sub-section 1 of section 58 of the said Act is amended by striking out the figures "31st" in the twelfth line and inserting in lieu thereof the figures "15th."

4. Section 60 of the said Act is hereby repealed and the following section substituted therefor.

Rev. stat.  
c. 224  
s. 60 repealed

60.—(1) In cities, towns, townships or villages, the council may by by-law require the payment of taxes, including local improvement assessments, sewer rents and rates, and of other rents or rates payable as taxes, to be made into the office of the treasurer or collector by any day or days to be named therein, in bulk or by instalments, and may provide that on the punctual payment of any instalment the time for payment of the remaining instalment or instalments shall be extended to a day or days to be named, or may provide that in default of payment of any instalment by the day named for payment thereof, the subsequent instalment or instalments shall forthwith become payable.

Requiring  
taxes to be  
paid into office  
of treasurer or  
collector.

Payment by  
instalments.

(2) The Council may also by by-law allow a discount for the payment of such taxes or any class, or of any instalment thereof on or before a day or days therein named and may impose an additional percentage charge for non-payment of such taxes or any class of taxes or of any instalment thereof by a day or days named in such by-law, provided that no greater percentage charge than five per cent. shall be imposed on any instalment of taxes or on the aggregate amount of taxes; and such additional percentage charge shall be added to such unpaid tax or assessment rent or rate or instalment thereof and shall be collected by the collector or otherwise, as if the same had been originally imposed and formed part of such unpaid tax or assessment, rent or rate, or instalment thereof.

Discount on  
punctual pay-  
ment of taxes.

(3) Such discount or additional charge may by the by-law be provided for on the basis of a sliding scale corresponding with the length of time default is made but so as not in the aggregate percentage to exceed five per cent. as aforesaid.

(4) In case a by-law shall be passed providing for payment by instalments or allowing any such discount or imposing any such additional percentage charge, a notice shall be given in accordance with section 134 of this Act on which shall be written or printed a concise statement of the time and manner of payment and of the discount allowed or percentage charge imposed, if any, and at any time within fourteen days after such notice shall first have been given, in accordance with section 134 of this Act, any person may take advantage of the provisions of such by-law as to payment by instalments or with the discount allowed thereby, or without the additional percentage charge imposed thereby, as the case may be.

Notice as to  
time and mode  
of payment.

5. Subsection 20 of section 71 of the said Act is amended by inserting after the word "Court" in the third line thereof the words "or the county judges hearing an appeal under section 84 of this Act or the court of appeal."

Rev. Stat.  
c. 224, s. 71,  
subs. 20  
amended.

Rev. Stat.  
c. 224, s. 75,  
subs. 1, re-  
pealed.

Who may  
appeal from  
court of re-  
vision to  
county judge.

6. Subsection 1 of section 75 of the said Act is repealed and the following substituted therefor:

(1) An appeal to the county judge shall lie at the instance of the municipal corporation or at the instance of the assessor, or assessment commissioner, or at the instance of any rate-payer of the municipality, not only against a decision of the court of revision on an appeal to the said court, but also against the omission, neglect or refusal of the said court to hear or decide an appeal.

Rev. Stat. c.  
224 amended.

7. The said Act is further amended by inserting therein the following section:—

When clerk  
need not  
transmit full  
copy of roll to  
county clerk.

(83a) Notwithstanding anything in the preceding section contained it shall be lawful for the council of any county to pass a by-law permitting the clerks of the local municipalities instead of transmitting a copy of the roll to transmit a summarized statement of the contents of the roll, showing the total population of the municipality and the total assessment of each of the various classes of property liable to assessment, but the clerk of every local municipality shall, nevertheless, transmit a copy of the roll to the clerk of the county in every third year and whenever in other years he may be required so to do by the county judge or by resolution of the county council.

The penalty for default in performance of the duties under this section or under such by-law upon the clerk of a local municipality shall be the same as in the preceding section.

Rev. stat  
c. 224, s. 106  
subs. 2 repea-  
led.

8. Subsection 2 of section 106 of the said Act is hereby repealed.

Rev. Stat.  
c. 224, s. 110  
subs. 1,  
amended.

9. Subsection 1 of section 110 of the said Act is amended by striking out the words "15th day of November" in the sixth and seventh lines of the said subsection and inserting in lieu thereof the words "15th day of August."

Rev. Stat.  
c. 135, s.s. 1,  
amended.

10.—(1) Section 135 of the said Act is amended by inserting the following proviso after subsection 1 thereof: "Provided, however, that in cities and towns and any other local municipalities having power to sell lands for the non-payment of taxes no distress for the taxes upon each parcel of vacant property shall be made upon the goods or chattels of the owner in any part of the county other than upon such property, and this provision shall be retroactive so as to apply to the returns for arrears of taxes for the years 1896 and 1897."

Property  
liable to dis-  
tress for ar-  
rears.

Rev. Stat.  
c. 224, s. 148,  
amended.

(2) Section 148 of the said Act is amended by adding the following proviso thereto: "Provided that in cities and towns and any other local municipalities having power to sell lands for non-payment of taxes the collector of taxes may qualify the oath to be made by him by shewing that, in respect of  
vacant



vacant land, he has not attempted to distrain upon the goods and chattels of the owner in any other part of the county, than upon such vacant land."

**11.**—(1) The said Act is amended by inserting the following section after section 135:

Rev. Stat.  
c. 224,  
amended.

135 *a*—(1). Subject to the provisions of section 60 of this Act in case a person assessed in respect of personal estate or personal property neglects to pay the taxes for fourteen days, after demand or after notice served pursuant to a by-law aforesaid, or in the case of cities or towns after demand and notice as aforesaid, the collector may by himself or his agent (subject to the exemptions provided for in subsection 2 of this section) levy the same with costs by distress,

Distress for  
taxes on per-  
sonal prop-  
erty.

1. Upon the goods and chattels of the person assessed wherever found within the the county in which the local municipality lies for judicial purposes;
2. Upon the interest of the person assessed in any goods to the possession of which he is entitled under a contract for purchase, or a contract by which he may or is to become the owner thereof upon performance of any condition;
3. Upon any goods and chattels in the possession of the person assessed where title to the same is claimed in any of the ways defined by sub-clauses *a*, *b*, *c*, and *d*, of section 135 and in applying said sub-clauses they shall be read with the words "owner of" and the words "on the premises" omitted therefrom.

(2) Subsections 2 to 8 of the said section 135 shall apply to goods and chattels liable to distress under this section and to proceedings taken under this section.

Application of  
Rev. Stat. 224  
s. 135, subs. 4  
to 8.

(2) Subsection 2 of section 155 of the said Act is amended by inserting the words "or lands built upon" after the word "lands" in the seventh line thereof.

Rev. Stat.  
c. 224, s. 155,  
s.s. 2,  
amended.

(3) Subsection 3 of the said section 155 is amended by inserting the words "or lands built upon" after the word "lands" in the third line thereof.

Rev. Stat.  
c. 224, s. 155,  
s.s. 3,  
amended.

(4) Section 156 of the said Act is amended by inserting the words "or lands built upon" after the word "lands" in the second line thereof.

Rev. Stat.  
c. 224, s. 156,  
amended.

(5) Section 158 of the said Act is amended by inserting the words "or upon lands built upon" after the word "non-resident" in the third and fourth line thereof.

Rev. Stat.  
c. 224, s. 158  
amended.

Rev. Stat.  
c. 224, s. 153,  
amended.

**12.—**(1) Section 153 of the said Act is amended by inserting the words “or built upon” after the word “occupied” in the eighth line thereof; by inserting the words “or otherwise” after the word “notices” in the eleventh line thereof, and also by inserting the words “or built upon” after the word “occupied” in the thirteenth and fourteenth line thereof.

Rev. Stat.  
c. 224, s. 155,  
s.s. 1,  
amended.

(2) Subsection 1 of section 155, of the said Act, is amended by inserting the words “or is built upon” after the word “year” in the fifth line thereof, and by inserting the words “or built upon” after the word “occupied” in the eighth line thereof.

Rev. Stat.  
c. 224, s. 162,  
amended.

**13.—**(1) Section 162 of the said Act is amended by adding the following subsection thereto:—

Receipt of  
payments on  
account of ar-  
rears of taxes.

(2) The treasurer of any city, town or other local municipality having power to sell lands for non-payment of taxes may receive payment from time to time on account of the taxes returned to him as in arrear upon any parcel of land, or upon taxes due on personal property, but no such payments shall be received after he has advertised such lands for sale for arrears of taxes.

Rev. Stat.  
c. 224, s. 173,  
amended.

(2) Section 173 of the said Act is amended by adding the following subsection thereto:

Treasurer to  
have power to  
add arrears  
accruing after  
return.

(2) In cities and towns and any other local municipalities having power to sell lands for non-payment of taxes the treasurer may add to the taxes shewn in the lists of lands liable to be sold for taxes any taxes which have fallen due since those shewn in the lists furnished by the treasurer to the clerk under section 152 hereof, and which last mentioned taxes have been returned by the collector to him, as provided in section 147 hereof, and thereafter he shall be at liberty to proceed to sell the said lands, as if such last mentioned taxes had been included in the statement furnished by him to the clerk, under section 152 hereof.

Rev. Stat., c.  
224, s. 225,  
amended.

**14.** Section 225 of the said Act is amended by striking out the words “city and town” in the first line thereof and the words “city or town” where they occur in the fifth and eighth lines respectively and by adding at the end thereof the following words “and in cities, towns and other local municipalities having power to sell lands for non-payment of taxes, the treasurer thereof shall keep a duplicate blank receipt book, and on receipt of any sum of money for taxes on land, shall deliver to the person making the payment one of such receipts, retaining the second of the set in the book, and the auditors shall examine and audit said books and accounts at least once in every year.

Audit of  
treasurer's  
books.

15. The said Act is amended by adding the following section thereto: Rev. Stat. c. 224, s. 237.

226a (1) The council of any city, town or other local municipality having power to sell lands for non-payment of taxes, may from time to time, without the assent of the ratepayers by by-law, authorize the mayor or other head of the municipality to issue, under the corporate seal, upon the credit of the taxes in arrear in such city, town or other such municipality debentures payable not later than eight years after the date thereof, and for sums not less than \$100 each, so that the whole of the debentures at any time issued and unpaid do not exceed one-half of all arrears then due and owing upon the lands in the city, town or other such municipality, together with the moneys standing to the credit of the special fund as hereinafter provided. Power given to municipality to issue debentures on credit of arrears of taxes.

(2) Such debentures shall be negotiated by the mayor or other head of the municipality and treasurer and all moneys received in payment of the taxes upon the security of which such debentures are issued shall be set apart as a special fund out of which to pay the debentures and interest thereon.

(3) If at any time there is not to the credit of such special fund sufficient money to redeem the debentures due and accrued interest, such debentures and interest shall be payable out of the general funds of the city, town or other such municipality as aforesaid and the payment thereof may be enforced in the same manner as is by law provided in the case of other debentures.

16. The provisions of subsection 2 of section 42 of *The Act respecting the Establishment of Municipal Institutions in the Territorial Districts* shall apply to every municipality composed of one or more townships in the districts named in the said Act, and incorporated under any special Act, as well as to municipalities formed under the said general Act. Rev. Stat. c. 225, s. 42, subs. 2, application of.

17. This Act shall be read with and as part of *The Assessment Act* and shall come into force on the first day of May, 1899. Act incorporated with Rev. Stat. c. 224—commencement.

## CHAPTER 28.

## The Drainage Amendment Act, 1899.

*Assented to 1st April, 1899.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Rev. Stat.  
c. 285, s. 3  
amended.

1. Section 3 of *The Ditches and Watercourses Act* is amended by striking out all the words in the paragraph commencing with the word "owner," and substituting therefor the following:—

"Owner,"  
meaning of.

"An owner shall mean and include the owner or possessor of any real or substantial interest in lands whether held in fee simple, fee tail, for one or more life or lives or for a term of years not less than ten, a lessee for a term of not less than five years with an option to purchase, the executor or executors of an owner, the guardian of an infant owner, any person entitled to sell and convey the land, an agent under a general power of attorney authorizing the appointee to manage and lease the lands, and a municipal corporation as regards any highways or other lands under its jurisdiction."

Rev. Stat. c.  
285, applica-  
tion lands for  
mining or  
manufactur-  
ing purposes.

2. The said Act shall apply to the drainage amongst other lands of lands for mining or manufacturing purposes so as to enable the owner thereof to take proceedings thereunder, but in such case the engineer in default of agreement shall determine whether the lands of other owners through which the ditch or drain may pass shall be called upon to contribute to the construction of the drain and whether and to what extent

the.



the same may require drainage or will be benefited thereby. In the event of his finding that the lands of such other owners do not require drainage and that the said ditch or drain will not substantially benefit the same he shall determine what compensation the owner of the lands used for mining or manufacturing purposes shall make for any injury caused to such other owners by reason of the ditch or drain passing through their lands, but if such lands will be substantially benefited by such drainage then he shall determine the extent of such benefit and shall deduct the same from the amount of compensation so to be made, or shall take the proceedings provided for by subsection (2) of section 16 of the said Act as the case may require.

(2) Nothing in this section contained shall affect any litigation pending at the time of passing thereof.

3. Subsection 1 of section 28 of *The Ditches and Water-courses Act* is amended by inserting therein after the word "ditch" in the second line, the words "or at any time not later than six months after the time fixed for the completion of the ditch."

Rev. Stat.  
c. 285, s. 28,  
subs. 1,  
amended.

4. *The Municipal Drainage Act* is amended by inserting therein the following section as section 6a.

Rev. Stat.  
c. 226,  
amended.

6a. Where part of a whole lot or of a sub-division or portion of a lot assessed by the engineer has been sold since the final revision of the assessment, the owner of the part so sold and the owner of the remaining portion of the lot or sub-division or portion of a lot so assessed or either of them may give notice to the clerk of the municipality that he requires the said assessment to be apportioned between the owners of the property so assessed and sub-divided, and the township engineer shall thereupon make such apportionment in writing and the same shall be filed with the clerk and shall be by him attached to the original assessment, and shall be binding on the lands assessed in the manner apportioned by the said engineer, and the rate shall thereafter be levied and collected accordingly. The costs of the engineer shall be borne and paid by the parties in the manner which may be fixed or apportioned by such engineer.

Apportionment of assessment for drainage work on sub-division of land assessed.

5. Sub-section 7 of section 9 of *The Municipal Drainage Act* is repealed, and the following substituted therefor:

Rev. Stat. c.  
226, s. 9, s.-s.  
7, repealed.

7. Forthwith upon the filing of the engineer's report with the clerk of the municipality, the clerk shall, by letter or postal card, notify the parties assessed of such assessment and the amount thereof. In case more than one municipality is interested in the proposed work, the clerk of such other municipality or municipalities shall forthwith, upon the filing of a copy of the engineer's report in their office, notify the parties assessed of such assessment and the amount thereof.

Notice to persons assessed.

Rev. Stat.  
c. 226, s. 9,  
amended.

6. Section 9 of *The Municipal Drainage Act* is amended by adding thereto the following subsections :

Time for filing  
report of  
engineer.

8. The report of the engineer shall be filed within six months after the filing of the petition ; provided that upon the application of the engineer the time for filing the report may be extended from time to time for additional periods of six months, when the council is satisfied that owing to the nature of the work it was impracticable for the report of the engineer to be completed within the time limited by law.

If engineer  
neglects to do  
work council  
may appoint  
another.

9. In case the engineer neglects to make his report within the time limited by the preceding subsection, or within the time fixed by the council under the said subsection, he shall forfeit all claim for compensation for the work done by him upon the drain, and the council may employ some other engineer to make the examination, report and assessment required by the preceding section.

Declaration of  
ownerships  
conclusive as  
to conferring  
jurisdiction  
under Rev.  
Stat., c. 285.

7. Where a declaration of ownership has been filed under the provisions of *The Ditches and Watercourses Act*, such declaration shall be conclusive as conferring jurisdiction to proceed unless appealed against to the county judge under the provisions of the said Act, but this amendment shall not affect any pending litigation nor shall it be regarded as implying that the proper construction of the said statute was or is otherwise than as herein in this section declared.

## CHAPTER 29.

## An Act to amend The Public Libraries Act.

*Assented to 1st April, 1899.*

HER MAJESTY by and with the advice and consent of the  
Legislative Assembly, enacts as follows:—

1. Section 25 of *The Public Libraries Act* is hereby amended by striking out the words "first Monday of May" in the first line thereof, and inserting in lieu thereof "second Monday of January."

Rev. Stat.  
c. 232, s. 25,  
amended.  
Election of  
board of  
management.

2. Any member of the board of management who has any pecuniary interest, profit, promise or expected benefit in, or from any contract, agreement or engagement, either in his own name, or in the name of another, with the corporation of which he is a member, or who receives, or expects to receive any compensation for any work, engagement, employment or duty, on behalf of such corporation, shall *ipso facto* vacate his seat, and every such contract, agreement, engagement or promise shall be null or void, and on the complaint of any ratepayer of the municipality or of any member of the board of management the County Judge, or if such County Judge is a member of the board of management, then the Master in Chambers after due investigation may declare the seat vacant and forthwith notify the appointing body to make a new appointment.

Disqualifica-  
tion of mem-  
bers of board  
for certain  
causes.

3. Notwithstanding anything contained in *The Act respecting Public Libraries* it shall be lawful for any municipal corporation to issue debentures for the purpose of the said Act, subject to the provisions of section 386 of *The Municipal Act*.

Issuing debentures for public library purposes.

4. Section 1 of this Act shall not take effect until the 1st day of June, 1899, and the other sections upon the passing thereof.

Commence-  
ment of Act.

## CHAPTER

## CHAPTER 30.

## An Act to amend The Ontario Tree-Planting Act.

*Assented to 1st April, 1899.*

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows:—

Rev. Stat. c.  
243 amended.

1. *The Ontario Tree-Planting Act* is amended by inserting therein the following as section 3 a :

Township by-  
laws respect-  
ing tree plant-  
ing in police  
villages.

3 a.—(1) Not less than thirty municipal electors in a police village may present a petition to the township council praying for the passing of a by-law under section 3 of this Act to have effect within the limits of the police village, and on receipt of such petition the council of the township in which such police village is situated may pass by-laws giving effect to such petition.

Inspector of  
trees.

Payment of  
expenses.

(2) The police trustees of such village shall appoint the inspector of trees provided for by the by-law of the township council, and the amount required for the payment of bonuses for tree planting under such by-law, and the remuneration of the inspector shall be raised by rate levied upon the property liable to assessment in such police village in the manner provided by

Rev. Stat. c.  
223.

*The Municipal Act.*



## CHAPTER 31.

An Act respecting Brewers' and Distillers' and other  
Licenses.*Assented to 1st April, 1899.*

HER MAJESTY by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:—

## BREWERS' AND DISTILLERS' LICENSES.

1. In this Act "Brewer" shall, besides private persons and partnerships, include any incorporated company carrying on the business of a brewer within the Province; "Distiller" shall, besides private persons and partnerships, include any incorporated company carrying on the business of a distiller within the Province, and the pronouns "he" "his" and "him" shall include any such company.

2. No brewer or distiller shall sell any spirituous or fermented liquors unless he has taken out and is the holder of a Provincial License for the sale of liquors manufactured by him, nor unless the license is in force at the time of such sale.

3. The license to be taken out by a brewer shall be styled a "Brewer's Provincial License" and that to be taken out by a distiller a "Distiller's Provincial License."

What sales may be made under Provincial license by brewer.

4.—(1) A brewer's provincial license shall be an authority for the holder thereof to sell to persons who are holders of licenses under *The Liquor License Act*, ale and beer on the premises in or on which they are manufactured in the quantities hereinafter mentioned and shall authorize him to sell by sample in such quantities to such persons in any municipality in the Province for future delivery. The said license shall also be an authority for the holder thereof to sell ale and beer in quantities as heretofore in the building and license district aforesaid to others than licensees.

Ale and beer

(2) Ale and beer, other than lager beer shall not be sold, bartered or trafficked in by any brewer in quantities less than ten gallons, wine measure, in each vessel at any one time, or lager beer in quantities less than four gallons, wine measure, in each vessel at any one time, and in any case where such selling by wholesale is in respect of bottled ale, beer or other fermented liquors no sale shall be made in quantities less than one dozen bottles of at least three half pints each or two dozen bottles of at least three-fourths of one pint each at any one time.

What may be sold by distiller.

5. A distiller's provincial license shall be an authority for the holder thereof to sell in quantities authorized by wholesale license, spirits manufactured by him provided the sale is made in the building in which the said spirits are manufactured, and also to sell by sample in any municipality as aforesaid for future delivery in the said quantities.

Brewery, etc., not to communicate with retail store.

6. No shop or premises wherein any intoxicating liquor is sold by retail or wherein is kept any broken package of any such liquor shall communicate by any entrance with any brewery or distillery.

Fees for brewer's license.

7. The fee to be paid for a Brewer's Provincial License shall be the following :

\$250 where the amount invested in the business of the brewer obtaining the license is \$10,000 or less.

\$400 where the amount invested as aforesaid exceeds \$10,000 but is not more than \$20,000.

\$500 where the amount invested as aforesaid exceeds \$20,000 but is not more than \$50,000.

\$750 where the amount invested as aforesaid exceeds \$50,000 but is not more than \$100,000.

\$1,000 where the amount invested as aforesaid exceeds \$100,000 but is not more than \$150,000.

\$1,500 where the amount invested as aforesaid exceeds \$150,000 but is not more than \$200,000.

\$2,000 where the amount invested as aforesaid exceeds \$200,000.

8.—(1)

8.—(1) The fee to be paid for a Distiller's Provincial License shall be as follows: Fees for distiller's license.

\$1,000 where the amount invested in the business of the distiller obtaining the license is \$50,000 or less.

\$3,000 where the amount invested as aforesaid exceeds \$50,000 but is not more than \$125,000.

\$4,000 where the amount invested as aforesaid exceeds \$125,000 but is not more than \$200,000.

\$5,000 where the amount invested as aforesaid exceeds \$200,000 but is not more than \$500,000.

\$6,500 where the amount invested as aforesaid exceeds \$500,000.

(2) The Lieutenant-Governor in Council, where it is shown that the sale by any distiller was the preceding year less than 10,000 gallons of proof spirits and that the sale will not exceed that quantity during the calendar year in which the license is to be issued may issue a distiller's Provincial license at a sum not less than one-third the minimum charge for a distiller's Provincial license. Reduction in fees in certain cases.

9. Where a new brewery or distillery business is commenced subsequent to the first day of May of any year, the Provincial Treasurer may issue a license on payment of a just proportion of the fees, having regard to the time for which such license is to run, and where a brewer or distiller has given up business during the currency of a license year so that neither manufacture nor sales will take place for the residue of the year, the Treasurer may in his discretion, on surrender of the license, refund a just proportion of the license fee paid. Apportionment of license fee for broken period.

10. In ascertaining the amount invested in the business of a brewer or distiller for the purpose of determining the sum to be paid for a license as aforesaid there shall be included the value of the lands, buildings and plant used or occupied by a distiller or brewer for the purpose of his business as such distiller or brewer, including therein any business of malting or of fattening of cattle or swine or any other like business carried on in connection with the brewery or distillery either in proximity thereto or elsewhere, and the value of the goods, chattels, personal property and other assets belonging to the business or used in connection therewith, and the value of the stock in trade on hand and of all lands and buildings, plant, goods and chattels and personal property connected with or belonging to the business of malting or of fattening cattle or swine or any like business carried on in connection with the brewery or distillery as aforesaid, and the aggregate of such values shall be deemed to be the amount invested in the business of the brewer or distiller for the purpose

pose of determining the amount to be paid for a license as aforesaid. In making such return or valuation the debts owing to the brewer or distiller in respect of his business shall not be taken into account nor his liabilities or debts owing by him be deducted in making such return or valuation as aforesaid nor shall it be necessary to include the value of the stock of malt on hand in the said return or affidavit.

(2) Such values shall be ascertained as they were on the 31st day of December preceding the issue of the license, unless upon the report of the Provincial Treasurer the Lieutenant-Governor in Council shall in any case or by general regulation fix some other date.

License, form and conditions

**11.**—(1) Brewers' Provincial Licenses and Distillers' Provincial Licenses shall be issued in such form as the Lieutenant-Governor in Council directs.

Date of licenses.

(2). The licenses shall be signed and issued by the Provincial Treasurer, and shall unless where they are issued for a part of the year be dated as of the first day of May in each year and shall continue in force until and including the thirtieth day of April in the next ensuing year and no longer.

Application for license.

(3) Any brewer or distiller desiring to obtain a license shall apply therefor to the Provincial Treasurer on or before the 1st day of April of the license year for which the same is required, unless in the case of a new license which begins thereafter.

Statement under oath by brewer or distiller.

**12.**—(1) Every brewer and distiller shall within thirty days after the passing of this Act and thereafter on or before the 15th day of February of each year, file with the Provincial Treasurer a statement under oath in one of the forms given in Schedule "N" appended to this Act or in such other form as may be directed or provided by the Provincial Treasurer.

Treasurer may require further information.

(2) If the Treasurer in order to enable him to determine whether he should accept the statement filed as correct, desires to obtain further information, any brewer or distiller who is by registered letter requested by the Treasurer to furnish further information as to the amount invested in his business or as to the value of any lands, buildings, plant, goods or chattels, or property mentioned in section 10 shall within twenty days of his being so requested furnish upon oath the information required.

Oath, administration of.

(3) Any oath required to be taken under this Act may be taken before a commissioner for taking affidavits or a notary public.

Statement when company carries on business.

(4) Where the business is carried on by an incorporated company the said statement and the information furnished as required by this section shall be made and furnished upon

oath



oath by the president and manager, or by the manager and secretary of the company. If there are no such officers then by such persons as the Provincial Treasurer may require

(5) Where a brewer or distiller shall have paid or is willing to pay the maximum fee imposed by this Act for his license the Treasurer may dispense with the filing of the statement required by this section.

13. In case the required information is not furnished or the Treasurer is not satisfied therewith, the Lieutenant Governor in Council may direct inquiry to be made by a Commissioner or Commissioners appointed under *The Revised Statute respecting Inquiries concerning Public Matters*, and the determination of such commissioner or commissioners after giving the brewer or distiller an opportunity to be heard shall be final for the purposes of this Act, as to the amount invested in the business.

Commission of  
enquiry as to  
statements.

Rev. Stat.  
c. 19.

14.—(1) If the inquiry is occasioned by the failure of the brewer or distiller to furnish the information required by the Treasurer, the brewer or distiller shall pay the costs of the inquiry, but if the statement is found to be correct and the commissioner or commissioners find that the required information was duly furnished the costs of the inquiry shall be borne by the Province.

Costs of com-  
mission of  
enquiry.

(2) In case the commissioner or commissioners shall find that the statement filed has understated the amount invested in the business the brewer or distiller in addition to paying the costs of the inquiry shall pay for his license the sum chargeable on the basis of the amount invested in the business as reported by the commissioner or commissioners, and fifty per cent. added to such sum.

Additional  
sum to be paid  
when amount  
understated.

15.—(1) If in any case the Treasurer is unwilling to accept the statement filed as correct, and contemplates the issue of a commission of inquiry as aforesaid, or in case such a commission is issued and the commissioner or commissioners have not reported, the treasurer may notify the applicant for a license that the license will be issued to him upon the basis of the statement filed, but that the right to make inquiry is reserved, and in such case, notwithstanding the issue of the license, the inquiry may be proceeded with in the same manner and with the like effect as if the license had not been issued.

License may  
issue pending  
enquiry.

(2) If in any such case the commissioner or commissioners find that the statement filed has understated the amount invested in the business then, unless the licensee within ten days of his being notified of the said finding, shall pay to the Provincial Treasurer such an amount as with the amount previously paid by him for license fees will make up the sum of money which would be payable for a license on the basis

License to be  
void on non-  
payment of  
amount found  
due by com-  
mission.

of

of the amount invested in the business as reported by the commissioner or commissioners and fifty per cent. added to such sum, the said license so issued shall become and be *ipso facto* void.

Remission of additional penalty where mis-statement made in good faith.

**16.** When the commissioner or commissioners have found that the statement so filed as aforesaid understates the amount on which the tax should be paid, but also certify that such understatement was not made with the intent and for the purpose of decreasing the amount of taxes to be paid but was made in good faith and with no improper motive, the Lieutenant-Governor in Council may upon the recommendation of the Treasurer return so much of the added percentage and remit so much of the costs as to him in his discretion may seem meet.

Costs, enforcing payment of

**17.** The costs of the commission shall be ascertained by the said Treasurer who, where the same are payable to the Crown, may by warrant under his hand and seal direct the sheriff of the county or the bailiff of any division court in the county to levy the same with costs by distress upon any goods or chattels, wherever found, of the brewer or distiller, or upon any goods or chattels in or upon the brewery or distillery premises, or on lands used in connection therewith.

Penalty for not filing statement in time.

**18.** If a brewer or distiller fails to file the statement required by section 12 within the time therein specified and thereafter applies for a license he shall, besides the fees hereinbefore prescribed pay for such license in addition the sum of \$10 for each day's delay in filing such statement, unless the Lieutenant Governor in Council upon the report of the Provincial Treasurer shall upon proof of extenuating or mitigating circumstances see fit to relieve such applicant in whole or in part from the said additional payment.

Penalty for brewer selling without license.

**19.** If a brewer shall sell, barter, or otherwise dispose of any fermented liquors without having a brewers' provincial license he shall for each such sale forfeit to Her Majesty double the amount he would have been required to pay for a license under section 7 of this Act, to be recovered with costs by civil action at the suit of the Crown to be tried by a judge without a jury.

Penalty for distiller selling without license.

**20.** If a distiller shall sell, barter, or otherwise dispose of any spirituous liquor without having a distillers' provincial license he shall for each such sale forfeit to Her Majesty double the amount he would have been required to pay for a distillers' provincial license under section 8 of this Act to be recovered with costs by civil action at the suit of the Crown to be tried by a judge without a jury.

**21.—(1)** In any suit brought under either of the next preceding two sections it shall be presumed that the defendant would have been required to pay the maximum license fee for a brewer's or distiller's provincial licence, according as the defendant is a brewer or distiller, until and unless the defendant proves to the satisfaction of the judge who tries the case the amount actually invested in his business.

Onus of proving amount invested to be on defendant.

**(2)** In any such action Her Majesty's Attorney-General shall have the same right either before or after the trial to require the production of documents to examine parties or witnesses or to take such other proceedings in aid of the action as a plaintiff has or may take in an ordinary action.

Production of documents and examination of witnesses.

**22.** Nothing in the next preceding three sections shall relieve any brewer or distiller from any penalty or punishment which may be imposed summarily under the provisions of *The Liquor License Act*, nor shall the imposition of any such penalty or punishment relieve any brewer or distiller from liability under the provisions of this Act.

Act not to relieve against penalties under Rev. Stat. c. 245.

**23.** The penalties under this Act shall be recovered only at the instance or under the authority or by the consent of the Attorney-General of the Province except as to the penalties which may be imposed for infraction of or under *The Liquor License Act* and referred to in the 22nd section of this Act.

Actions to recover penalties.

**24.** In case the amount sued for under sections 19 or 20 is paid or levied the Provincial Treasurer may direct the issue of a licence to the defendant without the payment of any other license fee, but no such license shall be issued if the license year has expired, and the issue of such license shall not affect any prosecution or other proceeding then pending.

Penalties may be applied on license fees.

**25.** Where a brewer or distiller carries on the business of a brewer or distiller at two separate places, a separate license shall be taken out for each place.

Carrying on business at more than one place.

**26.** Section 51 of *The Liquor License Act* is hereby repealed and the foregoing provisions are substituted therefor.

Rev. Stat. c. 245, s. 51, repealed.

#### TAVERN, SHOP AND WHOLESALE LICENSES.

**27.** Subsection 1 of section 44 of *The Liquor License Act* is repealed and the following is substituted therefor :

Rev. Stat. c. 245, s. 44, sub-s. 1, repealed.

**44.—(1)** Over and above the duties for licenses hereinbefore imposed, in respect of tavern, shop and wholesale licenses, and any duties which have been or may be imposed by any municipal by-law, unless as to the last named duties the municipality by by-law otherwise provides, there shall be paid, in order to the raising of a revenue for provincial purposes, for the exclusive use of this Province, the following additional

Duties payable to the Province.

duties



duties thereon, the whole of which shall form part of the consolidated revenue of the Province :

Wholesale licenses.	For each wholesale license—	
	Elsewhere than in cities .....	\$100 00
	In cities having a population of 150,000 and upwards .....	300 00
	In cities having a population of 40,000 and less than 150,000 .....	250 00
	In cities having a population less than 40,000 ..	200 00

Tavern and shop licenses.	For each tavern or shop license—	
	In cities having a population of 150,000 and upwards .....	250 00
	In cities having a population of 40,000 and less than 150,000 .....	225 00
	In cities having a population of over 20,000 and less than 40,000 .....	180 00
	In cities having a population of 20,000 and less.	130 00
	In towns .....	70 00
	Incorporated villages .....	60 00
	Townships .....	30 00

Saloon licenses.	For each tavern license in cities granted to premises exempted from the necessity of having all the tavern accommodation provided by law .....	350 00
	For each tavern license in towns granted to premises exempted from the necessity of having all the tavern accommodation provided by law .....	170 00

Beer and wine licenses.	For each beer and wine license a fee in addition to that provided by section 41 of one-half that hereby added to tavern licenses.	
	In cities where an increase is by this Act made in the fee or duty payable for tavern and shop licenses no further increase in such fees or duties shall be made under section 42 or subsection 3 of section 44 of <i>The Liquor License Act</i> by the council of any such city.	

Rev. Stat.  
c. 245,  
amended.

28. The following shall be inserted in *The Liquor License Act* as section 12a : —

Payment of  
tavern or shop  
licenses fee in  
two instal-  
ments.

12a—(1) If the applicant for a tavern or shop license in any city so desires the annual license fee or duty payable to the Province may be paid in two equal instalments, one on the first day of May and the other on or before the thirty-first day of October following.

Permit for  
first half year  
on payment of  
instalments.

(2) In such case the license commissioners may grant the certificate in the next preceding section mentioned, and upon the applicant paying in to the bank to the credit of the License Fund Account for the license district one-half the said license duty



duty then upon the production by the applicant of the certificate of the commissioners together with a receipt showing payment of one-half the said license duty to the credit of the License Fund Account the inspector may issue to the applicant a permit which shall remain in force for a period of six months that is to say from the first day of May in the year in which it is issued until the thirty-first day of October of the same year and no longer, and while in force shall confer on the holder the same privileges and authority as if he had obtained a license.

(3) Upon payment of the second instalment of the said duty in the manner now provided by the said Act for the payment of the license duty on or before the thirty-first day of October and on surrender of his permit the license may be delivered to the applicant by the inspector but not before.

License to issue on payment of second instalment.

(4) The Lieutenant-Governor in Council may direct the issue of permits in such form as he may provide to be used in place of licenses where the license fee is paid by instalments and such permits shall be signed by the Minister and dated as of the first day of May in each year and shall be absolutely void and of no effect after the thirty-first day of October in the year in which the same is issued.

Form and duration of permits.

(5) All the provisions of *The Liquor License Act* with regard to licenses and offences and penalties shall apply to persons holding permits in the same manner and to the same extent as if such persons were licensees, and a permit may be revoked or cancelled on the same grounds on which a license may be revoked or cancelled under sections 91 to 93 of the said *The Liquor License Act* and for the purpose of proceeding under the said sections the permit and any license subsequently granted shall be treated as one and the same.

Applications of provisions of Rev. Stat. c. 245.

(6) Where a person to whom a permit has been granted sells liquor or otherwise offends against *The Liquor License Act* after the time mentioned in his permit has expired he shall be liable to the same penalties as are provided under *The Liquor License Act* in the case of a person who sells liquor without the license therefor by law required or otherwise offends as aforesaid and proceedings may be taken against him in the same manner and as though no license had been granted or issued.

Penalty for violating permit.

(7) It shall not be necessary in any proceedings under the said *The Liquor License Act* to specify or particularize the permit, but the same shall be included for all such purposes in the word "license."

"License" to include permit.

**30.** This Act shall be read with and as part of *The Liquor License Act*, and shall come into force immediately upon the passing thereof.

Act to be read with Rev. Stat. c. 245.

## SCHEDULE N.

FORM OF STATEMENT OF AMOUNT INVESTED IN BREWERY OR DISTILLERY  
BUSINESS.

## FORM No. 1.

*To be used in the case of a Company.*

We, \_\_\_\_\_ of the \_\_\_\_\_ of \_\_\_\_\_ in the County  
of \_\_\_\_\_ each (or ourselves) make oath and say :

1. That I the said \_\_\_\_\_ am the President (or as the case may be) of the \_\_\_\_\_ company licensed by the Government of the Dominion of Canada as a brewer (or distiller as the case may be), and that I the said \_\_\_\_\_ am the Manager (or as the case may be) of the said company.

2. That the said company carries on business as a brewer (or distiller) in the \_\_\_\_\_ of \_\_\_\_\_ in the County of \_\_\_\_\_

3. That the amount invested in the said business on the \_\_\_\_\_ day of \_\_\_\_\_ last was as nearly as I can ascertain after careful investigation and computation and to the best of my knowledge and as I verily believe \$ \_\_\_\_\_

4. That in ascertaining the said amount so invested in the said business there has been and is included the value of all the lands, buildings and plant used or occupied in the said business of brewer (or distiller) for the purpose of such business as such brewer (or distiller) including therein any business of malting or of fattening of cattle or swine or any other like business carried on in connection with the brewery (or distillery) either in proximity thereto or elsewhere, and the value of the goods, chattels, personal property and other assets belonging to the business or used in connection therewith and the value of the stock in trade on hand on the day aforesaid except malt without the deduction therefrom of the liabilities of the said company.

Sworn before me at the \_\_\_\_\_  
in the County of \_\_\_\_\_ this \_\_\_\_\_  
day of \_\_\_\_\_ A. D. 1899.

## FORM No. 2.

*To be used in the case of a Partnership.*

I, \_\_\_\_\_ of the \_\_\_\_\_ of \_\_\_\_\_ in  
County of \_\_\_\_\_ make oath and say :—

1. That I am a member of the partnership firm of \_\_\_\_\_ licensed by the Government of the Dominion of Canada as brewers (or distillers) and have personal knowledge of the details of the said business and with all facts hereinafter set out.

2. That the said partnership firm is composed of the following members : (Give names of all the members of the partnership firm.)

3. That the said partnership firm carries on business as brewers (or distillers) in the \_\_\_\_\_ of \_\_\_\_\_ in the County of \_\_\_\_\_

4. That the amount invested in the said business of the said partnership firm on the                      day of                      last was as nearly as I can ascertain after careful investigation and computation and to the best of my knowledge and as I verily believe \$

5. That in ascertaining the said amount so invested in the said business there has been and is included the value of all the lands, buildings and plant used or occupied in the said business of brewer (*or* distiller) for the purpose of such business as such brewer (*or* distiller), including therein any business of malting, or of fattening of cattle or swine or any other like business carried on in connection with the brewery (*or* distillery), either in proximity thereto or elsewhere, and the value of the goods, chattels, personal property and other assets belonging to the business or used in connection therewith and the value of the stock in trade on hand on the day aforesaid except malt without the deduction therefrom of the liabilities of the said partnership firm.

Sworn before me at the  
in the County of                      this  
day of                      A.D. 1899.

FORM No. 3.

*To be used in case of an Individual.*

I    of the  
of    in the County of                      make oath  
and say :—

1. That I am a brewer (*or* distiller), licensed by the Government of the Dominion of Canada (*or* as the case may be).

2. That I carry on my business as a brewer (*or* distiller) in the  
of    in the County of

3. That the amount invested in my said business on the                      day of  
last was as nearly as I can ascertain after careful investigation and computation and to the best of my knowledge and as I verily believe \$

4. That in ascertaining the said amount so invested in the said business there has been and is included the value of all the lands, buildings and plant used or occupied in the said business of brewer (*or* distiller) for the purposes of such business as such brewer (*or* distiller) including therein any business of malting, or of fattening of cattle or swine or any other like business carried on in connection with the brewery (*or* distillery) either in proximity thereto or elsewhere, and the value of the goods, chattels, personal property and other assets belonging to the business or used in connection therewith and the value of the stock in trade on hand on the day aforesaid except malt without the deduction therefrom of any liabilities in respect of the said business.

Sworn before me at the  
in the County of                      this  
A.D. 1899.

## CHAPTER 32.

## An Act to amend The Public Health Act.

*Assented to 1st April, 1899.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Rev. Stat.  
c. 248, s. 104,  
amended.

1. Section 104 of *The Public Health Act*, chapter 248 of the Revised Statutes of Ontario, 1897, is hereby amended by adding the following as subsection 2 thereof :

By-laws for  
borrowing  
funds to erect  
smallpox and  
other contagi-  
ous disease  
hospitals.

(2) The council or councils of such municipality or municipalities may, without submitting the same to the vote of the ratepayers of the said municipality or municipalities, pass by-laws necessary from time to time to raise loans and borrow the moneys required for the establishing, erecting and furnishing of such hospital or hospitals upon the credit of such municipality and the debentures to be issued under such by-law shall be payable at such time or times within ten years from the passing of such by-law as the council may determine.



## CHAPTER 33.

## An Act to amend The Ontario Game Protection Act.

*Assented to 1st April, 1899.*

**H**ER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1.—(1) Sub-section 3 of section 3 of *The Ontario Game Protection Act* is hereby amended by adding at the end thereof the following words: “And any person shipping any deer or part of any deer without so attaching such shipping coupon shall be guilty of an offence against this Act.” Rev. Stat. c. 287, s. 3, subs. 3, amended.

(2) Sub-section 5 of the said section 3 is hereby repealed and the following substituted therefor: Rev. Stat., c. 287, s. 3, subs. 5, repealed.

(5) Every such person shall at all times when hunting, carry his license on his person, and shall at all reasonable times and as often as reasonably requested produce and show such license to any person requesting him so to do, and if he fails or refuses to do so he shall forfeit any such license he may possess, and shall, if found hunting, taking, pursuing, killing, wounding or destroying any deer, and on proof of such request and failure or refusal, be deemed to have violated the provisions of this section. Inspection of license.

2.—(1) Section 4 of the said Act is hereby amended by inserting after the word “granted” in the eleventh line of sub-section 1 the following words, “and shall have attached thereto two Rev. Stat. c. 287, s. 4, subs. 1, 3, amended.

shipping

shipping coupons to be used as provided in sub-section 3 of section 3 of this Act;” and by inserting the words “brace of” after the word “fifty” in the fourth line of sub-section 3 of said section 4.

Rev. Stat., c. 287, s. 4, subs. 2, repealed.

(2) Sub-section 2 of section 4 is hereby repealed and the following substituted therefor:

Inspection of licenses.

(2) Every such person shall at all times when hunting, carry his license on his person, and shall at all reasonable times and as often as reasonably requested produce and show such license to any person requesting him so to do, and if he fails or refuses to do so he shall forfeit any such license he may possess, and shall, if found hunting, taking, pursuing, killing, wounding or destroying any such animal or bird, and on proof of such request and failure or refusal, be deemed to have violated the provisions of this section.

Rev. Stat. c. 287, s. 5, repealed.

Killing deer in the water.

3. Section 5 of the said Act is hereby repealed. Saving and excepting as to that portion of the County of Bruce known as the Indian Peninsula, where the provisions of the said section shall continue in force and effect.

Rev. Stat. c. 287, s. 6, subs. 1, amended.

4 Sub-section 1 of section 6 of the said Act is hereby amended by adding at the end thereof the following words: “Provided that notwithstanding anything in this sub-section contained, persons who have heretofore put, bred or imported or hereafter put, breed or import deer upon their own lands with the desire to breed and preserve the same and the licensees of such persons may hunt, take or kill any such deer between the first day of October and the fifteenth day of November in any year, but the onus of proof that such deer was or were so put, bred or imported shall rest on the person hunting or killing the same.

Rev. Stat., c. 287, s. 3, subs. 3, 4, repealed.

5. Subsections 3 and 4 of section 8 of the said Act are hereby repealed and the following subsections are hereby added to said section 8:--

Sale of Game in close season.

(3) No person shall by himself, his servant, clerk or agent, buy, sell, or expose or keep for sale, or directly or indirectly, upon any pretence or device, or for any valuable consideration barter, give or obtain from any other person any of the animals or birds by this Act protected, or any part of such animals or birds, no matter where killed or procured, except during the periods in which such animals or birds respectively are permitted to be hunted, taken or killed, and during five days after the expiration of such periods respectively; provided that this exception allowing sale during the open season shall not until September 15th, 1900, apply to snipe and woodcock, and shall not until the 15th day of October, 1900, apply to quail but shall apply to partridge in alternate years, the sale

thereof

thereof being permissive during the open season and five days after the expiration thereof in the present year, 1899.

(4) Except by license and for private use as in this Act expressly provided and permitted, no person shall have in his possession, or in the possession of any servant, agent or other person on his behalf, any of the animals or birds by this Act protected, no matter where killed or procured, or any part or portions of such animals or birds, during the periods in which the sale thereof is by the next preceding subsection forbidden. Provided that for the private use of the owner and his family such birds and animals may be had in possession at any time. Possession during close season.

(5) No person shall for hire, gain or hope of reward hunt, kill or shoot any of the said birds or animals, or employ, hire or for valuable consideration, induce any other person so to do. Hiring.

(6) The chief warden may issue to any person or corporation engaged in the business of cold storage of perishable articles a license authorizing such person or corporation to keep during the close season in any year and until the commencement of the next open season any of the animals or birds hereinbefore mentioned, upon the following conditions:— License to store game.

(a) That the chief warden and any warden or deputy warden shall at all times be allowed to inspect any cold storage premises owned or kept by the licensee and all game kept therein. Inspection.

(b) There shall be recorded in a book kept for the purpose and open to the inspection of the chief warden and of all wardens and deputy wardens, the name and residence of each person from whom game is received to be so kept, the quantity and description of such game and the dates at which the same or every part thereof is received and delivered, together with the name of the person to whom the same is delivered. Record of game stored.

(c) That written notice shall be given to the chief warden of all game brought for cold storage during the close season. Notice of chief warden.

(7) Application for such licenses shall be verified by statutory declaration, in which the applicant shall declare that he will comply with the above conditions, and will not knowingly permit any violation of this Act with regard to any game to be kept in cold storage as aforesaid. The above declaration shall be made by the owner of the cold storage premises, or in case of a corporation, by the manager or other officer in charge of the business. Application for license.

(8) No hotel, restaurant or club shall supply for, or as part of any meal for which a charge is made, any of the birds or animals hereinbefore mentioned, no matter where killed or procured, during any period in which the sale of any such birds or animals is prohibited, except by license to be issued Hotels, clubs, etc

by

by the Chief Warden for any one close season upon application verified by statutory declaration of the owner or manager of such hotel, restaurant or club specifying the game to be so supplied, and the place where the same then is.

(9) No license under this section shall be issued to any person, or to any corporation employing any person who may while in such employment have been convicted of an offence against this Act within two years next preceding the date of an application for such license.

#### Fees.

(10) The fee to be paid for each license issued under this section shall be the sum of five dollars, or such smaller sum as the Board of Fish and Game Commissioners may from time to time determine.

Rev. Stat.  
c. 287, s. 9,  
subs. 1 (a)  
amended.

6. Sub-section 1 (a) of section 9 of the said Act is hereby amended by inserting after the words "taken or killed" in the first line thereof, the words "or had in possession by any person."

Rev. Stat.  
c. 287, s. 14,  
subs. 1  
repealed.

Transporting  
or having deer  
in possession  
—season for.

7. Sub-section 1 of section 14 is hereby repealed and the following subsection is substituted therefor:

(1) No common carrier or other person shall transport or have in possession for that purpose in this Province after the same has been killed, any wild deer or the head or the raw skin thereof, or any venison unless there is attached thereto one of the shipping coupons belonging to the license authorizing the shipper to hunt or kill deer as provided in this Act; and no common carrier or other person shall receive for transportation any such wild deer, or any beaver, or otter, or any skin or other portion thereof, save only from the first day of November to the twenty-second day of November in each year, unless in addition to such coupon the same be accompanied by an affidavit of the shipper that the same was legally hunted and taken according to the provisions of this Act.

Rev. Stat.  
c. 287, s. 14  
amended.

Transporting  
or having in  
possession  
deer killed in  
another  
province.

8. Section 14 of the said Act is further amended by adding thereto the following subsections:—

(4) Nothing in this section shall prevent a common carrier from transporting or having in possession for that purpose any moose, caribou or deer, or the head or the raw skin thereof, or any venison if accompanied by a declaration showing that the same was killed in some other Province during the time allowed therefor by law.

Inspection of  
premises of  
express com-  
panies, etc.

(5) Every express company and common carrier, and every person or corporation engaged in the business of cold storage, or in the business of purveying or dealing in game, shall upon request permit any Warden or Deputy Warden to enter and



inspect any building or car for the purpose of searching for game illegally killed or possessed and shall afford such Warden or Deputy Warden all reasonable facilities in making such search.

(6) All bags, boxes and parcels of every kind in which game is packed for transportation shall be so constructed as to show the contents thereof and shall be marked or labelled with the description of the contents and the name and address of the owner thereof.

Parcels to be so constructed as to show contents.

9.—(1) Subsection 3 of section 19 of the said Act is hereby repealed and the following subsection substituted therefor:—

Rev. Stat. c. 287, s. 19, subs. 3, repealed.

(3) Any owner or occupant of land may give the notice provided for in this section by maintaining two sign boards at least one foot square, containing such notice, on or near the boundary thereof, or any part thereof, and at such distances as will permit of every sign board being clearly visible from the nearest sign board on either side thereof, or by maintaining two of such sign boards, upon at least every forty acres of the premises sought to be protected, on or near the boundaries thereof or upon or near the shores of any water thereof, in at least two conspicuous places, or by giving personal, written, or verbal notice, and such notice firstly herein provided may be in form following:—“Hunting or shooting on these lands forbidden under Ontario Game Laws.”

Notice to prevent trespassing on private grounds.

(2) Subsection 6 of section 19 of the said Act is hereby amended by inserting after the word “water” in the fourth line thereof the words “or any land without sufficient trees or obstructions to prevent any post hereinafter mentioned being clearly visible from the nearest post on either side thereof.”

Rev. Stat. c. 287, s. 19, subs. 6, amended.

10.—(1) Sub-section 1 of section 28 is hereby repealed, and the following substituted therefor:—

Rev. Stat. c. 287, s. 28, subs. 1, repealed.

(1) Any person offending against any of the provisions of sections 3 to 6, or sub-sections 1 and 2 of section 9, sub-sections 1 and 3 of section 14, and section 27 of this Act, shall be liable for each offence to a fine not exceeding \$50 and not less than \$20, together with the costs of prosecution; and any person offending against any other of the provisions of this Act shall be liable for each offence to a fine not exceeding \$25 and not less than \$5, together with the costs of prosecution, and in default of immediate payment of such fine and costs, shall be imprisoned in the common gaol of the county where such conviction takes place, for a period not exceeding three months.”

Penalties.

(2) The following subsection is hereby added to the said section 28:—

Rev. Stat. c. 287, s. 28, amended.

(5) Any person offending against any of the provisions of this Act who has been once previously convicted of the same

Penalty where there has been previous conviction.

or any other offence against this Act shall be liable to a penalty of not less than double the minimum penalty hereinbefore provided for such second offence, and upon a third or any subsequent conviction such person shall be liable to a penalty of not less than the maximum penalty hereinbefore provided.

Registration  
of licensed  
guides.

**11.—(1)** The Chief Warden may, upon the recommendation of any Justice of the Peace, countersigned by any Warden appointed under the said Act, issue to any fit and proper person applying therefor a license that such person is qualified to act as guide for hunting, shooting or fishing in any part or district of this Province specified in such license; and the Chief Warden shall in a book to be kept for that purpose register the names of all persons to whom such licenses have been issued in each year.

Discretion as  
to granting  
licenses to  
guides.

**(2)** The issue of licenses to guides under this section shall be in the sole discretion of the Chief Warden, subject to appeal to the Board of Fish and Game Commissioners who may from time to time lay down rules for the guidance of the Chief Warden in issuing such licenses.

Cancelling or  
revoking  
license.

**(3)** The said licenses may be cancelled or revoked at any time by the Chief Warden, who shall not incur any legal responsibility for cancelling or refusing any license.

License fee.

**(4)** The fee to be paid for licenses issued under this section shall be the sum of two dollars, or such smaller sum as the Board of Fish and Game Commissioners may from time to time determine.

Rev. Stat.  
c. 287, s. 30,  
repealed.

**12.** Section 30 of the said Act is hereby repealed and the following section substituted therefor:—

Confiscation  
of implements  
in dis., etc.

**30.** All guns, nets, decoys and ammunition, canoes, skiffs, punts or boats, raw skins, hides of game animals, and all peltries of otter, beaver, and moose heads found in the possession of violators of the law shall be confiscated and forwarded to the Chief Game Warden to be sold and the proceeds thereof applied for the purposes of this Act, and in all cases confiscation of game shall follow conviction, and the game so confiscated shall be given to some charitable institution or purpose at the discretion of the convicting justice; but where a violation of the provisions of section 19 of this Act has taken place through *bona fide* mistake or inadvertence, the convicting justice may relieve from the operation of this section.

Rev. Stat.  
c. 287, s. 32,  
subs. 1,  
repealed.  
Limitation of  
prosecution.

**13.** Sub-section (1) of section 32 of the said Act is repealed, and the following substituted therefor:—

**(1)** The information shall be laid within six months after the commission of the offence.

**14.** The Schedule A, Form A, being the form of license to hunt deer, is amended by adding thereto at the end thereof the words, "This license shall be carried on the person of the licensee when hunting." Rev. Stat. c. 287, Sched. A, amended.

**15.** The Lieutenant-Governor in Council may from time to time by Order in Council in that behalf vary the open seasons for that portion of the territory of the Province lying north and west of French River, Lake Nipissing and Mattawa River, or any part of the said territory; and any Order in Council passed under the authority of this section shall be duly published in the *Ontario Gazette*. Varying open seasons in certain districts.

---

## CHAPTER 34.

## An Act to improve the Law relating to the Fisheries of the Province.

*Assented to 1st April, 1899.*

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat.  
c. 288, s. 3,  
amended.

1. Section 3 of *The Ontario Fisheries Act*, chaptered 288 of the Revised Statutes of Ontario, 1897, is amended by adding thereto the following sub-section:—

“Fishing,”  
meaning of

(9) “Fishery” shall mean and include the particular locality, place or station in or on which a seine, pound or other net is used; placed or located, the particular stretch of waters in or from which fish may be taken by the said seine or net, and also the net or nets, and other fishing material or appliances used in connection therewith.

Rev. Stat.  
c. 288, s. 3,  
amended.

2. Section 3 of the said Act is further amended by adding thereto the following sub-sections:—

“Overseer.”

(10) “Overseer” shall include district overseer, local overseer, and temporary guardian.

“Game fish.”

(11) “Game fish” shall include speckled trout, bass and maskinonge.

“Angling.”

(12) “Angling” in this Act is defined to mean taking fish with hook and line, or with rod, hook and line, or with hook and line and rod, the latter held in the hand, and does not include set lines.



3. Section 6 of the said Act is hereby amended by adding thereto the following :

Rev. Stat.  
c. 288, s. 6,  
amended.

Provided nevertheless that this section shall not without the leave of the owner or occupant permit fishing by others than the owners or occupants in waters or on lands covered by water which have heretofore been protected by the owners thereof for the purpose of fish culture and propagating fish by the creation of ponds or streams, or by stocking or by other artificial means.

Protection of  
private  
waters.

4. Section 8 of the said Act is amended by striking out all the words after the word "them" in the second line thereof.

Rev. Stat.  
c. 288, s. 8,  
amended.

5. Section 13 of the said Act is amended by inserting at the end of the section the words: "or shall suffer or permit his license to be used for the taking of fish by, or for the benefit or profit of, any other person, without such written consent having been first obtained."

Rev. Stat.  
c. 288, s. 13,  
amended.

6. Section 30 of the said Act is amended by striking out the word "inland" in the fifth line, and by adding at the end of the section the words: "nor to minnows to be used as bait for angling, provided that any net used for the purpose of catching such minnows shall not exceed fifteen feet in length and four feet in depth, with ropes at each end for hauling not to exceed thirty feet in length."

Rev. Stat.  
c. 288, s. 30,  
amended.

7. The said section 30 is further amended by adding thereto the following sub-section:—

Rev. Stat.  
c. 288, s. 30,  
amended.

(2) Nothing in the preceding sub-section shall be deemed to authorize the use of nets for catching minnows in streams inhabited by speckled trout; and any game fish taken in nets used for catching minnows for bait shall be immediately returned to the water alive and uninjured.

Using nets in  
trout stream.

8. Section 42 of the said Act is amended by adding thereto the following sub-section:—

Rev. Stat.  
c. 288, s. 42  
amended.

(2) Every Provincial constable shall be *ex officio* a fishery overseer, and every fishery overseer shall have jurisdiction in and over every part of this Province for the purpose of the enforcement of the fishery laws thereof.

Provincial  
constables *ex  
officio* over-  
seers.

9. Sub-section 2 of section 61 of the said Act is amended by inserting at the commencement of the sub-section after the word "all" in the first line thereof, the words "vessels, boats, canoes, rafts, vehicles of any description, fishing-gear, rods, lines, tackle."

Rev. Stat.  
c. 288, s. 61  
amended.

License to  
allow inspection of fish  
caught.

**10.** Every licensee fishing in Provincial waters shall, whenever requested by any fishery overseer so to do, permit the inspection and examination of the fish taken by him or in his possession, and the implements by which such fish were taken; and in case such person shall refuse to allow such inspection and examination, the fishery overseer shall have power, and is hereby authorized with or without a search warrant, to examine the contents of any boat or other vessel, or of any fish car, box, locker, basket, crate or other package or utensil in possession of the person so fishing, for the purpose of ascertaining whether the provisions of this Act have been complied with; and for the purpose of such examination the fishery overseer may use such force as may be necessary by breaking open doors or otherwise, and by breaking any lock, or the fastening of any box, locker, basket, crate or other package or utensil in which fish are kept or are reasonably believed by such officer to be kept.

Obstructing  
officers in the  
discharge of  
their duty.

**11.** Any person who shall obstruct, hinder, delay or interfere with any fishery overseer or fishery officer in the discharge of his duty under *The Ontario Fisheries Act* or while enforcing or attempting to enforce, or while acting under any Act or Regulation of Canada relating to fish, fishing or fisheries, by violence, hindrance or by the means of threats, or by giving false information, or in any other manner whatsoever, shall, for each offence, be liable to the penalty provided by section 48 of this Act, and costs; and in default of payment of such fine and costs, shall be imprisoned for a period not exceeding three months.

Finding nets  
to be evidence.

**12.** The finding of any nets, fishing devices or other articles set or maintained in violation of *The Ontario Fisheries Act* or of the Fishery Acts or Regulations of Canada, shall be *prima facie* evidence of the guilt of the person or persons owning, possessing or operating the same.

Statement to  
be furnished  
annually by  
lessees or  
licensees.

**13.** It shall be the duty of every lessee or licensee who takes fish for commercial purposes at the end of the fishing season, and not later than the 31st of January in the following year, to transmit by registered letter to the fishery overseer of his district a statement under oath shewing the amount in weight of each of the different kinds of fish caught by such lessee or licensee during the said fishing season, and the price per pound received by him for the same.

Fishery over-  
seers, powers  
of.

**14.** Fishery overseers shall determine and direct where nets may be set, and the distance to be maintained between each and every location of nets (in this section hereinafter called "fishery"), and shall forthwith remove any fishery which the owner neglects or refuses to remove in compliance with any such determination and direction; and such owner so neglecting or refusing, after 48 hours' notice, shall be moreover liable

for

for a violation of *The Ontario Fisheries Act*, and for the cost and damages of removing such fishery.

**15.** Disputes between persons relative to fishing limits or claims to fishery locations or stations, or relative to the position and use of nets and other fishing apparatus, shall be settled by the local fishery overseer, subject to appeal to the Deputy Commissioner of Fisheries. Disputes, adjustment of.

**16.** When not otherwise specified, every proprietor, owner agent, tenant, occupant, partner or person actually in charge, either as occupant or servant, shall be jointly and severally liable for any penalties or moneys recoverable under any of the provisions of *The Ontario Fisheries Act* or any regulations made thereunder. Liability for penalties.

**17.** No person shall offer or expose for sale any bass less than ten inches in length or any white fish, salmon trout or lake trout weighing less than two pounds undressed. Fish under a certain size not to be sold.

**18.** No common carrier or other person shall ship or transport out of this Province or shall have in possession for the purpose of shipping or transporting out of this Province, any salmon trout, lake trout or white fish weighing less than two pounds undressed. Weight of fish not to be transported.

**19.** No common carrier or other person shall ship or transport to any point or place any fish caught or killed within Ontario at a time or in a manner prohibited by law. Transporting fish illegally caught.

**20.** This Act shall be read with and as part of *The Ontario Fisheries Act*, and any Acts amending the same and shall have the same effect as if part thereof. Act to be read with Rev. Stat. c. 288.

## CHAPTER 35.

## An Act to further improve The San Jose Scale Act.

*Assented to 1st April, 1899.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Short title.

1. This Act may be cited as *The San Jose Scale Amendment Act*.

61 V. c. 33, s. 7, amended.

2. Section 7 of *The San Jose Scale Act, 1898*, is hereby amended by adding thereto the following subsection :

Destruction of diseased plants.

(a) If, in the case of an orchard or collection of plants, the inspector finds scale on plants located in several different parts of the orchard or collection, and decides that it is advisable in the public interest to destroy all the plants in such orchard or in any part or parts thereof and so reports to the Minister, the Minister may direct that an examination or inspection shall be made by an additional inspector, and upon their advice in writing he may direct that all the plants in such orchard or such collection of plants or in such part or parts thereof shall be destroyed without requiring that every plant in the said orchard or collection shall be first examined.

Plants to be fumigated before leaving nursery.

3. The owner or proprietor of any nursery shall not send out or permit any plant to be removed from his nursery without the same being first fumigated by hydrocyanic acid gas in accordance with regulations prescribed by order of the Lieutenant-Governor in Council.



4. No person shall sell or dispose of or offer for sale any plant obtained, taken, or sent out from a nursery unless the said plant has previously been fumigated in accordance with these regulations.

Sale of plants before fumigation prohibited.

5. In case the inspector finds scale in any nursery and so reports to the Minister, the Minister may thereupon inform, in writing, the owner or proprietor or manager of said nursery of the existence of scale in his nursery, and the owner or proprietor or manager of said nursery shall not thereafter permit any plant or plants to be removed from the said nursery until he is notified in writing from the Minister that the inspector has reported to the Minister that it is safe in the public interest to permit the said nursery stock to be removed after fumigation.

Scale in a nursery—stock not to be removed without leave of Minister.

6. This Act and *The San Jose Scale Act, 1898*, shall be read and construed as one Act.

Act incorporated with 61 V. c. 33.

## CHAPTER 36.

## An Act to improve the Laws respecting Public Schools.

*Assented to 1st April, 1899.*

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

Rev. Stat.  
c. 292, s. 8,  
repealed.

1. Section 8 of *The Public Schools Act* is repealed and the following substituted therefor :—

Continuation  
classes where  
there is no  
high school.

8.—(1) The school corporation of any municipality or section in which there is no high school shall have power to establish in connection with the public or separate school over which it has jurisdiction, such courses of study in addition to the courses already provided for the fifth form of public schools as may be approved by the regulations of the Education Department. The classes established under such courses shall be known as "Continuation Classes."

Grouping of  
schools.

(2) The trustees of any number of school corporations, whether of public or separate schools, may, by mutual agreement, determine that continuation classes shall be conducted in one only of the schools under the jurisdiction of the corporations entering into such agreement, and in all such cases the trustees shall have the same power to provide, by rates levied on the taxable property of their respective sections, for the tuition of pupils attending such continuation classes as they possess under *The Public Schools Act* or *Separate Schools Act*, for the tuition of pupils attending the schools under their immediate jurisdiction.

Rev. Stat.  
c.c. 292, 294.

(3) No pupil shall be admitted to the course prescribed for continuation classes who has not passed the entrance examination to a high school or some higher examination, or whose qualifications for admission have not been approved by the principal of the school and the public school inspector of the district in which the school is situated.

Qualification  
for continua-  
tion classes.

(4) Non-resident pupils and all other pupils who have completed the course of study prescribed for the fifth form of public schools whether resident or non-resident, may be charged such fees as the trustees may deem expedient.

Fees of pupils.

(5) Any teacher who at the date of this Act, holds the position of principal of any school in which a continuation class has been established shall be deemed a qualified teacher of such school, but every teacher appointed principal after the date of this Act whose classes consist entirely of pupils who have passed the Entrance examination shall be the holder of at least a first-class certificate

Qualification  
of principals.

(6) The Minister of Education shall apportion among the schools conducting continuation classes, such sums of money as may be appropriated by the Legislature, subject to the regulations of the Education Department. The municipal council of the county shall pay for the maintenance of such classes a sum equal to the legislative grant appropriated by the Minister of Education for such class and any further sums the municipal council may deem expedient.

Legislative  
and county  
grants.

2. Section 14 of *The Public Schools Act* is amended by adding thereto the following sub-section :—

Rev. Stat.  
c. 292, s. 14,  
amended.

(9) It shall be the duty of the municipal clerk to supply a list of the persons qualified to vote in any school section when required by the board of trustees or by the public school inspector in the case of any investigation or dispute with regard to the election of a school trustee.

Clerk to sup-  
ply list of  
school voters.

3. Section 34 of the said Act is amended by adding thereto the following sub-section :—

Rev. Stat.  
c. 292, s. 34,  
amended.

(3) It shall not be necessary for the trustees to build a wall or fence along any street or highway for the purpose of enclosing the school premises in any municipality in which a by-law has been passed by the municipal council, prohibiting stock from running at large.

Fences around  
school  
property.

4. Subsection 1 of section 39 of the said Act is amended by inserting between the first and second words in the tenth line thereof the words "form, unite, divide or" and subsection 3 of said section 39 is amended by striking out the words "revise, determine" in the fifth and sixth lines and inserting in their place the words "form, divide, unite."

Rev. Stat.  
c. 292, s. 39,  
subs. 1, 3,  
amended.

Rev. Stat.  
c. 292, s. 43,  
subs. 11,  
amended.  
Reconsidera-  
tion of union  
school section  
award.

**5** Section 43 of *The Public Schools Act* is amended by adding to subsection 11 thereof the following words :

Provided always that two-thirds of the rate-payers of any union school section may, at the expiration of three years from the date of the formation of such union section, petition the municipal council or councils concerned for a re-consideration of any award for the formation of any union school section made under this Act, and such petition shall be taken in lieu of the petition or petitions for the formation, alteration or dissolution of the union school section concerned, referred to in sub-section 1 of section 43.

Rev. Stat.  
c. 292, s. 52,  
amended.

**6.** Section 52 of the said Act is amended by adding thereto the following as sub-section 3 :

Alteration of  
school bound-  
aries not to  
affect unions.

(3) The power to form a union school section shall in no way be restricted by any by-law passed by a municipal council for the alteration of the boundaries of one or more sections in any township within the jurisdiction of such council.

Rev. Stat.  
c. 292, s. 58,  
amended.

**7.** Sub-section 3 of section 58 of the said Act is amended by inserting after the words "closing the poll" in the eighth line thereof the words "the mode of receiving the resignation of persons nominated for the office of school trustee before a poll is taken."

Rev. Stat.  
c. 292, s. 58,  
amended.

**8.** Section 58 of the said Act is further amended by adding the following sub-section :

Election of  
trustees where  
wards  
abolished.

(6) In towns and incorporated villages the trustees may, by resolution, limit the number of trustees constituting the public school board to six provided that at least one month's notice was given of the intention to consider a resolution to that effect. When such resolution has been adopted the election for school trustees shall thereafter be by vote of the electors of the whole municipality. Any reduction so approved shall not come into operation until the close of the school year. The board shall by lot determine what trustee or trustees shall retire in addition to the number retiring by annual rotation in order to admit of the election of three new trustees at the next annual meeting, and thereafter three trustees shall be elected by the ratepayers of the whole municipality each year to fill the place of the same number retiring by rotation annually.

Rev. Stat.  
c. 292, s. 65,  
amended.

**9.** Section 65 of the said Act is amended by striking out the figures "31" after the word "sections" in the fifth line thereof and substituting the figures "32."

Rev. Stat.  
c. 292, s. 79  
subs. 1,  
amended.

**10.** Sub-section 1, of section 79 of the said Act is amended by inserting after the word "county" in the third line the words "including the inspector or inspectors of the county town or of any town separated from the county."



**11.** Section 82 of the said Act is amended by adding thereto the following sub-section :

Rev. Stat.  
c. 292, s. 82,  
amended.

(13) The municipal council of every county and the public school board of every city shall have power to appoint an assistant inspector in every county or city where the inspector, by reason of age or infirmity, has become incapacitated for fully discharging the duties of his office, and in such cases it shall be lawful for the municipal or school corporation concerned to apply towards the payment of the salary of such assistant a portion of the grant made by the county council or city towards the inspection of schools, or to supplement the same by further grants, as may be deemed expedient.

Appointment  
of assistant  
inspectors in  
counties and  
cities.

**12.** The Education Department shall have power (a) to call for competitive plans of school buildings with all modern improvements suitable for schools of from one to four teachers, and to appoint a board of not more than three architects to examine such plans and to report with respect to the same to the Minister of Education ; (b) to affiliate one or more of the public schools in any city in which a Normal School is situated, with such Normal School for practice in teaching by Normal School students, and (c) to appropriate out of moneys voted by the Legislature for public and separate schools, a sum not exceeding \$5 for every school in which the regulations of the Department as to equipment, ventilation, heating, lighting and the care of the premises generally have been complied with.

Competition  
in plans for  
school build-  
ings.

**13.**—(1) The council of every municipality may, subject to the regulations of the Education Department, employ one or more persons holding the degree of Bachelor of the Science of Agriculture or a certificate of qualification from the Ontario Agricultural College, to give instruction in agriculture in the separate, public and high schools of the municipality, and the council shall have power to raise such sums of money as may be necessary to pay the salaries of such instructors, and all other expenses connected therewith. Such course of instruction shall include a knowledge of the chemistry of the soil, plant life, drainage, the cultivation of fruit, the beautifying of the farm, and generally all matters which would tend to enhance the value of the products of the farm, the dairy and the garden.

Appointment  
of instructors  
in agriculture.

(2) The trustees of any public, separate or high school or any number of boards of such trustees, may severally or jointly engage the services of any person qualified as in the preceding section for the purpose of giving similar instruction to the pupils of their respective schools, providing always that such course of instruction shall not supersede the instruction of the teacher in charge of the school, as required by the regulations of the Education Department.

Course in agriculture to be open to all residents.

(3) As far as practicable, the course of lectures in agriculture by such temporary instructor shall occupy the last school period of each afternoon and shall be open to all residents of the school section or municipality.

Commission to readjust school sections in sparsely settled districts.

14.—(1) On the report of any public school inspector that the attendance at the schools in the outlying and sparsely settled portions of his inspectorate is so small as to justify the consolidation of two or more of such sections with a view to the transportation of the pupils to some central school thereafter to be determined upon, the Lieutenant-Governor in Council may appoint a commission of not more than three persons, of whom the public school inspector shall be one, whose duty it shall be to re-arrange such school sections, having regard to the settlements and the facilities for transportation in order that the number of sections may be reduced, and the pupils conveyed from their homes to school in the most convenient manner.

Publication of report and voting thereon.

(2) On the receipt of the report of the commission, the Lieutenant-Governor-in-Council may cause the same to be published in the sections to be affected by such consolidation in such manner as may be deemed expedient and on a day to be fixed by the said Lieutenant-Governor, the ratepayers shall vote "yea" or "nay" on said report.

Adoption of report and arrangement of sections.

(3) If a majority of the ratepayers vote "yea," then the boundaries of the section so settled shall be the legal boundaries of the school sections concerned from and after the 25th day of December next following such vote, until altered as provided by *The Public Schools Act*.

Rev. Stat. c. 292.

Rev. Stat. c. 292.

(4) The ratepayers of the sections so formed shall, on the date fixed by *The Public Schools Act* for the annual meeting of rural sections, meet and elect three trustees for the sections so formed as in the case of the organization of new sections under *The Public Schools Act*.

Rev. Stat. c. 292.

(5) It shall be the duty of the trustees in the case of all sections formed as herein provided, in addition to the other duties imposed by *The Public Schools Act*, to provide for the transportation of all pupils to and from school, who reside more than one-half mile from such school, and the trustees shall have power to levy and collect the cost of such transportation as other expenses of the section are levied and collected.

Issuing debentures for school sites and houses in certain districts.

15. The trustees of any public school in the unorganized townships of the Territorial Districts of Algoma, Nipissing, Parry Sound and Muskoka may issue debentures, for the purchase of a school site and the erection of a school house, payable in ten equal annual instalments, or such other sums as the trustees may deem expedient, providing always that the proposal to issue such debentures has been sanctioned, by resolution, at

a special meeting of the ratepayers of the section; such debentures shall be signed by the trustees of the section and sealed with the corporate seal, and shall be a charge upon the assessable property of the school section. The debentures shall, as near as may be, comply with Form A prescribed by *The Public Schools Act*.

Rev. Stat.  
c. 292.

**16.** Section 100 of the said Act is amended by adding thereto the following:

Rev. Stat.  
c. 292, s. 100,  
amended.

Provided further that any journalist or the publisher of any periodical who may be elected public school trustee shall not by reason of the publication of any advertisement in the regular course of business in any newspaper or periodical of which such trustee is proprietor or in which he is the holder of any shares or stock, be deemed to be disqualified to serve as school trustee.

**17.—(I)** Subsection 1 of section 51 of *The Public Schools Act* is amended by adding the following words after the word “concerned” in the last line thereof; “and to the clerks of the respective municipalities. In any municipality where more than one assessor is appointed and employed, the reeve or mayor of the municipality shall name the assessor who shall act for and on behalf of such municipality.”

Rev. Stat.  
c. 292, s. 51,  
subs. 1,  
amended.

AD19.2  
10000187

(2) Subsection 2 of the said section is amended by striking out the words “shall name an arbitrator who” in the third line thereof.

Rev. Stat.  
c. 292, s. 51,  
subs. 2,  
amended.

(3) Subsection 3 of the said section is amended by striking out the words “name an” in the fourth line and inserting in lieu thereof the words “act as.”

Rev. Stat.  
c. 292, s. 51,  
subs. 3,  
amended.

## CHAPTER 37.

## An Act to amend The Separate Schools Act.

*Assented to 1st April, 1899.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Election of  
trustees in  
unsurveyed  
territory.

Rev. Stat.  
c. 294.

Share in  
Legislative  
grant.

1. In any portion of the Province not surveyed into townships, any number of heads of families not less than ten who are Roman Catholics may at a public meeting called for that purpose, elect three of their number to serve as school trustees, and the trustees so elected shall have all the powers of trustees in unorganized townships and shall in all other respects be subject to the provisions of *The Separate Schools Act*.

2. On receipt of notice by the Education Department signed by the trustees so elected, that a school has been established and suitable accommodation provided for school purposes, the Minister of Education may pay over to the trustees out of the appropriation made by the Legislature for public and separate schools such sum of money for maintenance as may be approved by the Lieutenant-Governor in Council.



3. The trustees may appoint some fit and proper person, or one of themselves, to collect the rates imposed by them upon the supporters of their school, or the sums which the inhabitants or others may have subscribed or a rate-bill imposed on any person; and may pay to such collector at the rate of not less than five, or more than ten per centum on the moneys collected by him; and every collector shall give such security as may be required by the trustees.

4. Every collector shall have the same powers in collecting the school rate, rate-bill, or subscriptions, and shall be under the same liabilities and obligations, and proceed in the same manner as a township collector in collecting rates in his township, as provided in *The Municipal and Assessment Acts* from time to time in force.

Collection of rates.  
Powers and duties of collector.

## CHAPTER 38.

## An Act to amend The Prison and Asylum Inspection Act,

*Assented to 1st April, 1899.*

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. stat.  
c. 321, s. 10,  
amended.

1. Section 10 of *The Prison and Asylum Inspection Act* is amended by striking out the words "at least twice in each year" where they occur in the fifth line of the said section, and inserting in lieu thereof the words "once in each year and more frequently if necessary, or if so directed by the Minister in charge."

---

## CHAPTER 39.

An Act respecting the Debenture Debt of the  
Village of Blyth.*Assented to 1st April, 1899.*

WHEREAS the Municipal Corporation of the Village of Blyth have by their petition represented that for the purpose of sinking a salt well and establishing salt works in the said village they incurred a debt of \$3,300, for which amount debentures of the said corporation were issued under By-law No. 2, 1879, of the said village, which mature on the 1st day of May, 1899, and that the sum of \$1,063.55, raised as a sinking fund to meet the same, was lost by the failure of the banking firm with whom the same was deposited, and that of the balance of sinking fund required, the sum only of \$1,109.10 has been raised for that purpose, in addition to the annual interest on the said debentures, none of which is in arrear; and that under by-law No. 9, 1885, of the said village, certain other debentures for the sum of \$2,000 were issued for the purpose of aiding the establishment of a woollen mill in the said village, which said debentures will mature on the 1st day of February, 1902, and for which the sum only of \$950.40 has been raised as a sinking fund to redeem the same, in addition to the annual interest thereon, which has been duly paid; and that under By-law No. 7, 1888, of the said village certain other debentures for the sum of \$3,000 were issued to purchase fire engine and appliances for the said village, which said debentures will mature on the 1st day of November, 1908, and for which the sum only of \$964.10 has been raised as a sinking fund to redeem the same, in addition to the annual interest thereon, which has been duly paid; and whereas it

Preamble.

has

has been made to appear that the rates now required for such redemption would be oppressive to the ratepayers, and the said corporation has prayed that the said debt may be consolidated and that they may be authorized to issue debentures for the purpose of discharging the same; and whereas it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-laws for  
issue of debentures for  
\$5,500.

1. It shall be lawful for the corporation of the Village of Blyth to pass a by-law or by-laws providing for the issue of debentures under their corporate seal, signed by the reeve and countersigned by the treasurer for the time being, in such sums of not less than \$100 and not exceeding \$5,500 in the whole, as the said corporation may from time to time direct, and the principal sum secured by the said debentures and the interest accruing thereon may be made payable at such place or places in this Province as the said corporation may deem expedient.

Power to raise  
money on debentures.

2. The said corporation may for the purposes herein mentioned, raise money by way of loan on the said debentures, or sell or dispose of the same from time to time as they may deem expedient.

Terms of  
debentures.

3. The said debentures shall be payable in not more than twenty years from the date thereof, as the said corporation may direct. Coupons shall be attached thereto for the payment of the interest thereon, and such interest shall be payable yearly or half-yearly as the said corporation may direct, at any rate not exceeding five per cent. per annum.

Interest.

Application  
of proceeds  
of debentures.

4. The said debentures and all monies arising therefrom shall be applied by the said corporation in the redemption of the said outstanding debentures maturing on the 1st day of May 1899, and of the said other outstanding debentures recited in the preamble hereto, as the same shall mature, in aid of the said several sums standing at the credit of the sinking funds applicable thereto, and in payment of the incidental expenses of procuring this legislation, and for no other purpose whatever, and the said debentures may be known as the Blyth Consolidated Debt debentures.

Debt to be  
discharged by  
equal annual  
payments.

5. A portion of the debentures to be issued under this Act shall be made payable in each year of the currency thereof, and so that the aggregate amount payable for principal and interest in any one year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years during the period of the said debentures.



6. The said corporation shall levy, in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the said debentures so authorized to be issued, and it shall not be necessary to levy or provide any sinking fund to retire the said debentures or any of them. Special rate.

7. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied. By-laws not to be repealed until debts paid.

8. It shall not be necessary to obtain the assent of the electors of the said Village of Blyth to the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto, prescribed by *The Municipal Act*. Assent of electors not required.  
Rev. Stat. c. 223.

9. The treasurer of the said village on receiving instructions from the council so to do, shall, on the maturity of the debentures now outstanding, discharge the same with funds raised under the preceding sections of this Act, or may, with the consent of the holders of the said outstanding debentures, substitute therefor the debentures, or any of them, herein authorized to be issued, as may be agreed upon between the said council and the holders of the said outstanding debentures. Retiring outstanding debentures.

10. It shall be the duty of the treasurer from time to time of the said village to keep, and it shall be the duty of each of the members from time to time of the said municipal council to procure such treasurer to keep, and see that he does keep, a proper book of account setting forth a full and particular statement, so that the same shall at all times shew the number of debentures which from time to time shall be issued under the powers conferred by this Act, and the respective amounts payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sale or negotiation of the said debentures, and the application which shall from time to time be made of the said amounts and the said book of account and statement shall, at all times and at all reasonable hours, be open to the inspection of any ratepayer of the said village and of any of the holders from time to time of the debentures which shall be issued under the powers hereby conferred, or any of the said debentures now outstanding. Treasurer to keep proper books of account.

11. Any provisions of the Acts respecting municipal institutions which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law or by-laws to be passed by the corporation under the provisions of this Act, and no irregularity in form either of the debentures to be issued under this Act, or of the by-law or by-laws authorizing Inconsistent provisions not to apply.

authorizing the issue thereof, shall render the same invalid or illegal, or be allowed as a defence in any action which may be brought against the said corporation for the recovery of the amount of the said debentures and interest, or any or either of them or any part thereof, and the purchaser or holder thereof shall not be bound to inquire as to the necessity of passing such by-law or issuing such debentures, or as to the application of the proceeds thereof.

Form of debentures and by-laws.

**12.** The debentures to be issued under this Act may be in the form of Schedule A hereto, and the by-law or by-laws authorizing the same may be in the form set out in Schedule B to this Act.

Short Title.

**13.** This Act may be cited as *The Blyth Debenture Act 1899*.

## SCHEDULE A

(Section 12.)

PROVINCE OF ONTARIO, VILLAGE OF BLYTH, BLYTH CONSOLIDATED  
DEBT DEBENTURES.

\$

No.

Under and by virtue of *The Blyth Debenture Act, 1899*, and by virtue of by-law No.                      of the Corporation of the Village of Blyth, passed under the provisions contained in the said Act, the Corporation of the Village of Blyth, in the County of Huron, promises to pay to the bearer at                      in the                      of                      the sum of \$                      on the                      day of                      A.D.                      and to pay the bearer the                      yearly coupons for interest thereon hereto attached, as the same shall severally become due.

Dated at the Village of Blyth, this

day of

A.D.

Reeve.

Treasurer.

## SCHEDULE B.

(Section 12.)

By-law No.                      of the Village of Blyth, to authorize the issue of debentures under the authority of *The Blyth Debenture Act, 1899*.

Whereas the said Act authorizes the issue of debentures for the purposes therein mentioned, to be known as Blyth Consolidated Debt debentures, not exceeding the sum of \$5,500 in the whole, as the corporation of the Village of Blyth may, in pursuance of and in conformity with the provisions of the said Act direct.

And whereas for the purposes mentioned in the said Act it is necessary and expedient to issue debentures to the extent of \$                      payable on the                      day of                      with interest thereon at the rate of                      per cent. per annum, payable                      yearly, according to the coupons to the said debentures attached.

And

And whereas the amount of the whole rateable property of the Village of Blyth, according to the last revised assessment roll of the said village of Blyth, being for the year , was \$

Therefore the Municipal Corporation of the Village of Blyth hereby enacts as follows :—

1. Debentures under the said Act and for the purposes therein mentioned, to be known as the Blyth Consolidated Debt debentures, to the extent of \$ are hereby authorized and directed to be issued.

2. The said debentures shall have coupons thereto attached for the payment of the interest at the rate of per cent. per annum, payable yearly on the pay of in each year.

3. This by-law shall come into effect forthwith after the passing hereof.

Passed in open council this day of

## CHAPTER 40.

An Act to consolidate the floating debt of the  
Town of Brampton.

*Assented to 1st April, 1899.*

## Preamble.

**W**HEREAS the Municipal Corporation of the Town of Brampton by their petition have represented that they have incurred a floating debt of about \$10,000 in addition to the ordinary expenses of the corporation, for payment of which no funds have been provided, the said floating debt having arisen from extraordinary expenditure rendered necessary by the collapse of one of the bridges within the limits of the said town, default of a tax collector, payment of heavy costs of litigation, and otherwise, and whereas the said corporation have represented that the payments to be made on account of the debenture debts of the said municipality and the said floating debt would be unduly oppressive to the ratepayers; and whereas the said corporation have by their petition prayed among other things that they may be authorized to issue debentures to an amount not exceeding in the whole, \$10,000, and with the money loaned thereon to pay off the present floating indebtedness; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Power to borrow \$10,000 to pay floating debt.

1. It shall be lawful for the Corporation of the said Town of Brampton to raise by way of loan on the credit of the debentures hereinafter mentioned and by this Act authorized to be  
issued



issued, from any person or persons or body corporate, a sum or sums sufficient to pay off the said floating indebtedness, not exceeding in the whole \$10,000.

2. The said Corporation of the Town of Brampton may pass a by-law or by-laws providing for the issue of debentures under their corporate seal, signed by the mayor, and countersigned by the treasurer for the time being, in such sums not less than \$100, and not exceeding \$10,000 in the whole, as the said corporation may direct, and the principal sum secured by the said debentures, and the interest accruing thereon may be made payable at such place or places as the said corporation may deem expedient, and may be expressed in either sterling money of Great Britain or currency of Canada.

Issue of debentures to \$10,000.

3. The corporation of the said town may, for the purposes in section 7 of this Act mentioned, raise money by way of loan on the said debentures in this Province or in Great Britain or elsewhere, or sell or dispose of the said debentures from time to time as may be deemed expedient.

Power to raise money on debentures.

4. The said debentures shall be payable in not more than twenty years from the first day of December, A.D. 1899, as the said corporation may direct. Coupons shall be attached to the said debentures for the payment of the interest thereon, and such interest shall be payable yearly on the first day of the month of December in each and every year at the places mentioned therein and in the coupons attached thereto, and such debentures may bear interest at any rate not exceeding five per cent. per annum.

Term of debentures.

Interest on debentures.

5. A portion of the said debentures to be issued under this Act shall be made payable in each year from the first day of December, 1899, and so that the aggregate amount payable for principal and interest in any one year shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of the period within which the debt is to be discharged.

Debt to be paid off in annual instalments.

6. The said corporation shall levy in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest, in respect of the debentures authorized to be issued under this Act, and it shall not be necessary to levy for or to provide any sinking fund to retire the said debentures or any of them.

Special rate.

7. The said debentures and all moneys arising therefrom shall be applied by the said corporation in payment of the said floating debt, not exceeding in the whole \$10,000 as aforesaid, and in no other manner and for no other purpose whatsoever.

Application of proceeds of debentures.

Assent of electors not required.

**8.** It shall not be necessary to obtain the assent of the electors of the said Town of Brampton for the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto, prescribed by the

Rev. Stat., c. 223.

*Municipal Act.*

By-law not to be repealed until debt paid.

**9.** Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied.

Indebtedness of town not discharged.

**10.** Nothing in this Act shall be held or taken to discharge the corporation of the Town of Brampton from any indebtedness or liability which may not be included in the said debts of the said town.

Form of debentures and by-laws.

**11.** The debentures issued under this Act may be in the form contained in Schedule A to this Act and the by-law or by-laws authorizing the same and for the special rate for payment of interest may be in the form of Schedule B to this Act or as near thereto as the said corporation may find convenient.

Books of account.

**12.** It shall be the duty of the treasurer, from time to time, of the said town, to keep, and it shall be the duty of each of the members, from time to time, of the said municipal council, to procure such treasurer to keep and see that he does keep a proper book of account setting forth a full and particular statement, so that the same shall at all times shew the number of debentures which from time to time shall be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sale or negotiation of the said debentures, and the application which shall from time to time be made of the said amounts, and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said town and of any of the holders, from time to time, of the debentures which shall be issued under the powers hereby conferred, or of any such debentures.

Inconsistent enactments not to apply.

**13.** Any provisions in the Acts respecting municipal institutions in the Province of Ontario which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act and no irregularity in the form of the said debentures or any of them authorized to be issued by this Act, or any by-law or by-laws authorizing the issue thereof, shall render the same invalid or illegal or to be allowed as a defence to any action brought against the corporation for the recovery of the said debentures and interest or any or either of them or any part thereof, and the purchaser

or

or holder thereof shall not be bound to inquire as to the necessity of passing such by-law, or issue of debentures, or as to the application of the proceeds thereof.

---

SCHEDULE A.

(Section. 11.)

PROVINCE OF ONTARIO, TOWN OF BRAMPTON

No. . \$ .

Under and by virtue of an Act respecting the floating debt of the Town of Brampton passed by the Legislative Assembly of the Province of Ontario in the sixty-second year of the reign of Her Majesty Queen Victoria, and chaptered and by virtue of By-law No. of the Corporation of the Town of Brampton, passed under the provisions contained in the said Act, the Corporation of the Town of Brampton promise to pay to the bearer at , in the Town of Brampton, the sum of on the day of , A.D. , and the yearly coupons for interest thereon hereto attached as the same shall severally become due.

Dated at the Town of Brampton, in the County of Peel, this day of A.D. .

Mayor.

Treasurer.

## SCHEDULE B.

*(Section 11.)*

By-law No.                    to authorize the issue of debentures under the authority of an Act respecting the floating debt of the Town of Brampton.

Whereas the said Act authorizes the issue of debentures for the purposes therein mentioned, not exceeding the sum of \$10,000 in the whole, as the Corporation of the Town of Brampton may in pursuance of and in conformity with the provisions of the said Act direct; and whereas for the purposes of the said Act, it is necessary and expedient to issue debentures to the extent of \$                    payable as follows :

with interest thereon at the rate of                    per centum per annum payable yearly, according to the coupons to the said debentures attached; and whereas the amount of the whole rateable property of the said Town of Brampton, according to the last revised assessment roll of the said town, being for the year one thousand eight hundred and ninety was \$                    .

Therefore the Municipal Corporation of the Town of Brampton enacts as follows :

1. Debentures under the said Act, and for the purposes mentioned therein to the extent of the sum of \$                    are hereby authorized and directed to be issued.

2. The said debentures shall have coupons thereto attached for the payment of interest at the rate of                    per centum per annum payable yearly on the                    day of                    in each year.

This by-law passed in open council this                    day of                    the year of our Lord one thousand eight hundred and ninety-nine.



## CHAPTER 41.

## An Act respecting the floating debt of the Town of Brockville.

*Assented to 1st April, 1899.*

**W**HEREAS the Municipal Corporation of the Town of Brockville have by their petition represented that they have incurred a floating debt and have prayed that they may be authorized to issue debentures for the sum of \$24,000 to pay off the said debt and the expenses attending the issue of said debentures; and whereas the said floating debt has arisen from failure in past years to collect or get in the outstanding taxes, and gradual increase of overdrafts in the bank; and whereas no opposition has been made to the said petition; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said corporation may issue debentures under the corporate seal and signed by the mayor and countersigned by the treasurer for the time being for such sums not less than \$100 each and not exceeding \$24,000 in the whole as the council may direct, and the principal of said debentures and the interest accruing thereon may be made payable either in Canada or Great Britain or elsewhere, and either in sterling money of Great Britain or in lawful money of Canada as the council of the said corporation may direct.

Authority to  
issue debentures.

When payable.

2. The said debentures shall be payable within twenty years from the date thereof and the principal shall be payable in instalments as directed by said council, such instalments to be of such amounts that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years. The interest thereon shall be payable half-yearly at a rate not exceeding four per centum per annum, and coupons shall be attached to provide for the payment of the interest.

Assent of electors not necessary.

3. It shall not be necessary to obtain the assent of the electors of the said town to the issue of the said debentures or to the passage of any by-law relating thereto, or to observe the formalities in relation thereto prescribed by *The Municipal Act*

Rev. Stat. c. 223.

Irregularity in form not to invalidate.

4. No irregularity in the form, either of the said debentures or of any by-law authorizing the issue thereof, shall render the same invalid or illegal or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest or any or either of them or any part thereof.

Special rate.

5. The said corporation shall during the currency of the said debentures levy in addition to all other rates to be levied in each year a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act, and no sinking fund need be provided for.

Sale of debentures.

6. The said corporation may raise money by the sale or hypothecation of the said debentures as they may deem expedient, and all moneys to be derived from such sale or hypothecation shall be applied for the payment of such debt and such expenses and to and for no other purpose.

## CHAPTER 42.

An Act respecting certain By-laws concerning drainage in the Townships of Caledonia, Alfred and South Plantagenet.

*Assented to 1st April, 1899.*

WHEREAS the Municipal Corporation of the Township of Caledonia in the County of Prescott have by their petition represented that in the year 1891 they had undertaken certain drainage works under the provisions of the drainage clauses of *The Municipal Act* then in force being Chapter 184 of the Revised Statutes of Ontario (1887) and amendments thereto, for the purpose of deepening, widening and improving a stream or watercourse known as "The Caledonia Creek," for the purpose of providing better drainage for certain lands in the Townships of Caledonia, Alfred and South Plantagenet through parts of which the said Creek flows and for providing a new and improved outlet for the said stream or watercourse, and thereupon procured Robert W. Lendrum, Esquire, Provincial Land Surveyor and Engineer to make an examination of the said stream or watercourse and of the territory sought to be drained thereby as aforesaid and to prepare plans and estimates of the said proposed drainage works and also an assessment to be made by the said engineer of the real property to be benefited by the said work, and thereupon on the 13th day of July 1891, provisionally passed a By-law number 255 adopting the report of the said engineer and did cause the same to be advertised and due public notice thereof given as by law required together with a notice that a court of revision would be held to revise the said assessment on the 28th day of August 1891; and that on the said

last mentioned day at the sittings of such court of revision appeals were heard and questions arose as to the right of the said engineer to assess certain lands which, as was alleged and as appeared to the said court of revision, by reason of their being situated on a high level had sufficient drainage by means of the said stream or watercourse in its natural condition, and as such last mentioned lands were not in the opinion of the said court of revision liable to be assessed for the proposed drainage works, it was decided in the presence of the said engineer and with the approval of all of the parties interested who were present at the said sittings to modify the said scheme of drainage and to strike out the assessment of the said high level lands, and thereupon the said court of revision adjourned until the 12th day of September, 1891, and notice of such adjournment and of the proposed amendments and alterations in the assessments and in the character of the work to be done was given to all parties interested as required by the Ontario Statute of 1890, 53rd Victoria, Chapter 50, Section 34, and that on the said 12th day of September, 1891, upon the said By-law again coming up for consideration no objection was made by any of the said ratepayers to the proposed alteration therein, but, on the contrary, the ratepayers expressed themselves as anxious that the work should be proceeded with in the manner proposed, and accordingly the said By-law as amended was then finally passed and debentures to the amount of \$1,411 were issued in pursuance thereof and were negotiated and the proceeds thereof were expended in the carrying out of the said improvements, and that that sum having been found insufficient to complete such improvements, a further By-law number 288 was passed by the said Corporation of the Township of Caledonia on the 15th day of December, 1896, in pursuance of a report and supplementary assessment made by E. T. Wilkie, Esquire, Civil Engineer, and by means of the said By-law number 288 a further sum of \$800 was raised and expended in the completion of the said drainage works and improvements; and whereas, as appears by the said petition, during all the proceedings aforesaid no objection to the validity of the said by-laws was raised by any person or persons but the same were in all respects acted on and recognized as valid by-laws and the taxes levied thereunder were paid for several years without objection and the Corporations of the Townships of Alfred and South Plantagenet have passed by-laws to levy the rates assessed against the lands situate in those townships respectively and paid the same from year to year to the said Corporation of the Township of Caledonia; and whereas, as appears by the said petition in the year 1897, an action was commenced against the said Corporation of the Township of Caledonia by one Elizabeth McCulloch, claiming to recover damages for alleged negligence in the construction of the said works and by the judgment of the Court of Appeal for Ontario rendered on the 15th day of November 1898, it was adjudged that the said Corporation of the Township of Caledonia do pay to the said



said Elizabeth McCulloch the sum of \$269 for damages and a direction of the Referee under *The Municipal Drainage Act* that such damages and costs should be assessed against the lands benefited by the said drainage works, was set aside on the ground, among other grounds, that the said By-law number 255 was invalid and void for want of jurisdiction in the Court of Revision to alter or amend the scheme of drainage as originally proposed by the said Engineer Robert W. Lendrum; and whereas, as appears by the said petition and in consequence of the said judgment of the Court of Appeal, other actions are now pending and still further actions are threatened against the said Corporation of the Township of Caledonia by other parties interested in the said drain to compel repayment of the moneys which they have heretofore paid in pursuance of the said by-laws; and whereas it also appearing that the objections raised to the said by-laws are of a formal and technical and not of a fundamental nature and that the said by-laws have been acted on and recognized as valid for a number of years and that the moneys levied thereunder have been expended by the Corporation of the Township of Caledonia in good faith in carrying out the drainage works and improvements aforesaid it is deemed advisable that the said By-laws numbers 255 and 288 should be validated and confirmed and also that provision should be made for the lawful levying of the rates and assessments which were thereby intended to be levied and assessed against the several parcels of land therein particularly mentioned and described;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said By-law of the said Corporation of the Township of Caledonia number 255 as amended by the court of revision and as finally passed on the 12th day of September, 1891, and as set forth in Schedule A hereto is hereby validated and confirmed. By-law 255 confirmed.

2. The said By-law number 288 of the said Corporation of the Township of Caledonia, passed on the 15th day of December 1896, and as set forth in Schedule B hereto is hereby validated and confirmed. By-law 288 confirmed.

3. The said By-laws may be pleaded in justification of all such acts and proceedings as may have been lawfully done and performed in pursuance thereof. Plea of justification.

4. The said Corporations of the Townships of Alfred and South Plantagenet are hereby respectively authorized and required within three months after the passing of this Act to enact such By-law or By-laws respectively as may be necessary to levy and pay over annually to the Corporation of the Authority to pass by-laws.

12 s. Township

Township of Caledonia, the unpaid amounts properly chargeable against lands and roads in the said Municipalities respectively in order to provide for the payment of the debentures issued by the Corporation of the Township of Caledonia in pursuance of the said By-laws numbers 255 and 288 respectively, and that all taxes and rates heretofore levied in any of the said three townships respectively pursuant to such by-laws shall be deemed and are hereby declared to have been lawfully levied and collected.

## SCHEDULE A.

(Section 1.)

### BY-LAW No. 255.

As amended by Court of Revision and finally passed on the 12th of September, 1891. To provide for draining, improving and deepening parts of the Townships of Caledonia, Alfred and S. Plantagenet and for borrowing on the credit of the municipality the sum of \$1,411 for completing the same.

Whereas a majority in number of the owners as shewn by the last revised assessment roll of the property hereinafter set forth to be benefitted by the draining, improving and deepening have petitioned the council of the said Township of Caledonia praying the council to cause an examination to be made of the following lands along the Caledonia Creek, viz.—W.  $\frac{1}{2}$  18, W.  $\frac{1}{2}$  19, N. pt. 20, N.E.  $\frac{1}{4}$  21, N.W.  $\frac{1}{4}$  21, N.  $\frac{1}{2}$  22, E.  $\frac{1}{2}$  19, S. pt. 20, in the 5th concession, E.  $\frac{1}{2}$  24, W.  $\frac{1}{2}$  24 in the 6th concession of Caledonia, lots 1, S.  $\frac{1}{2}$  2, commons in the 13th concession, lots 3, E  $\frac{1}{2}$  2, in the 14th concession of Alfred, and to procure plans and estimates of the work and cause an assessment to be made under the provisions of *The Municipal Drainage Act*, R. S. O. chap. 184, sec. 569, and amendments thereto.

And whereas therefore the said council procured plans and estimates of the work to be done by the said Robt. Lendrum, P.L.S., and an assessment to be made by him of the real property to be benefitted by such drainage, stating as nearly as he can the proportion of benefit which in his opinion will be derived in consequence of said drainage, improving and deepening, by every road and lot or portion of lot, the said assessment so made being the assessment hereinafter by this by-law enacted to be assessed and levied upon the lots and parts of lots hereinafter in that behalf specially set forth and described, and the report of the said Robt. Lendrum, P.L.S., in respect thereof, and of the said drainage, improving and deepening being as follows :

Vankleek Hill, August, 28th, 1891.

*To the Municipal Council of the Township of Caledonia :*

GENTLEMEN,—Agreeable to instructions received from the Clerk of the Township of Caledonia, to examine and report upon the drainage and improvement of the Caledonia Creek from the Nation River to lot No. 18 in the 5th concession of Caledonia, beg leave to say, that I have examined said creek from the Nation River up the creek to lot 18 in the 5th concession of Caledonia and report that I found said creek very badly obstructed by logs and sand, the banks of the creek in many places narrowing and the bottom of the creek filling up with sand which obstructs the free run of the water, which damages the flat lands adjoining the creek. Every year

the

the creek is becoming less able to convey the water brought in by the numerous ditches (after great rain) from the high and sandy lands, and large quantities of sand is brought down and deposited in the creek. The creek is also very crooked and improvements can be made by straightening it in several places, and a very great improvement can be made by leaving the creek altogether and making a new outlet from stake marked 86 (as shewn on plan annexed) to the Nation River ; by making this outlet it will save the deepening and cleaning of the Caledonia Creek for the distance of nearly four miles. The distance of the new outlet from stake 86 to the Nation River is 86 chains only and the new outlet has the advantage of all the fall, and being straighter and shorter will afford the best drainage that can be had. The creek can be improved by straightening, especially across lot 2 in the 13th concession of Alfred, and across lots 20, 21 and 22 in the 5th concession of Caledonia.

The bed of the creek from stake 0 to stake 425 shewn on plan, requires to be deepened and the logs removed and the sides to be widened and the points to be neatly cut and dressed. I measured from the Nation River following the new outlet, and planted stakes on the bank 132 feet apart numbering them, and levelled at each stake. I found the fall or difference of level from stake 0 planted at the mouth of the creek at the Nation River, surface of the water to the surface of the water in the creek in lot 20 in the 5th concession of Caledonia to be 13 feet 5 inches and the distance nearly five miles. The water in the river being at July level, and one foot higher than the bottom of the creek at stake 0. The dimensions of the ditch for the new outlet, and the size the creek should be enlarged to is eight feet wide on the bottom with side slopes of one to one.

I have prepared a plan shewing the creek and the proposed new outlet and straightening and a profile shewing the grade lines of the bottom of the creek and ditch and depth of cutting, etc., an assessment for benefit and specification.

The new outlet for the Caledonia Creek across lot 1 in the 12th concession of S. Plantagenet and across lot 1 in the 13th concession of Alfred to be made following the ditch already made as far as stake number 56. Thence south-east along the old ditch formerly made by Messrs. McCulloch and Surch to stake 70 planted at the boundary between the Townships of Plantagenet and Alfred, thence to stake 76. Thence leaving the old ditch and going south 60 degrees east and making a new ditch to the creek at stake 86. The ditch to be enlarged and made 8 feet wide on the bottom, 12 feet wide on the top, and of the depth shewn on the accompanying profile. The creek from stake 86 to stake 108 to be cleared of all logs, brushwood and weeds, etc., and where necessary deepened and cleaned out to the depths shewn on the profile. A new ditch to be made to straighten the creek from stake 108, south 72 degrees east to stake 122. This ditch to be 8 feet wide on the bottom, 12 feet wide on the top, and of the depth shewn on the profile. The creek from stake 122 upwards to stake 425 planted on James Renwick's farm, lot 20, 5th concession Caledonia to be deepened where necessary to the depths shewn on the profile and to be made 8 feet wide on the bottom, and to be widened where necessary to 12 feet wide on the top ; also straightened by cutting the short turns or points in the creek. All the logs and brush to be taken from out the creek, and either burned or removed to a place where they cannot re-enter the creek. The earth taken from the ditch and creek to be cast at least 3 feet clear of the edge of the bank and at intervals of 4 chains, openings to be left in the spoil bank to allow the water from the adjacent lands. The work to be done to the satisfaction of the engineer or person in charge.

I estimate the cost of the proposed enlarging and improvement by straightening and deepening, removing logs and earthwork, engineer's fees for survey, etc., clerk's fees and advertising of said by-law, etc., \$1,411.

This

This sum I assess against lands and roads to be benefitted and using the creek as an outlet for water as follows :

## SCHEDULE OF ASSESSMENT, TOWNSHIP OF CALEDONIA.

Con.	Lot or Pt. of Lot.	Acres.	Value of Improvement.	As Amended by Court of Revision.
6 ....	W. $\frac{1}{2}$ 23 .....	100	\$20 00	\$10 00
6 ....	E. $\frac{1}{2}$ 24 .....	100	40 00	45 00
6 ....	W. $\frac{1}{2}$ 24 .....	100	45 00	45 00
5 ....	W. $\frac{1}{2}$ 18 .....	100	15 00	8 00
5 ....	E. $\frac{1}{2}$ 19 .....	100	15 00	10 00
5 ....	W. $\frac{1}{2}$ 19 .....	100	15 00	20 00
5 ....	N. pt. 20 .....	75	50 00	75 00
5 ....	S. pt. 20 .....	50	15 00	15 00
5 ....	S.W. $\frac{1}{4}$ 24 .....	50	40 00	15 00
5 ....	S.E. $\frac{1}{4}$ 24 .....	50	40 00	50 00
5 ....	S. $\frac{1}{2}$ 23 .....	100	125 00	100 00
5 ....	S. $\frac{1}{4}$ 21 .....	50	50 00	60 00
5 ....	N. $\frac{1}{2}$ 22 .....	100	75 00	100 00
5 ....	S. $\frac{1}{2}$ 22 .....	100	65 00	40 00
5 ....	N.E. $\frac{1}{4}$ 21 .....	50	40 00	60 00
5 ....	N. $\frac{1}{2}$ of S. $\frac{1}{2}$ 21 .....	50	20 00	10 00
4 ....	S.W. $\frac{1}{4}$ 20 .....	50	5 00	7 00
4 ....	S.E. $\frac{1}{4}$ 21 .....	50	5 00	5 00
4 ....	S.W. $\frac{1}{4}$ 21 .....	50	5 00	5 00
Total for lands in Caledonia .....			\$685 00	\$680 00
Boundary road between Caledonia and Alfred .....			25 00	25 00
Concession road between 5 and 6 ...			\$25 00	\$25 00
Concession road between cons. 4 and 5 .....			25 00	25 00
Total for lands and roads in Caledonia.			\$760 00	\$755 00

## TOWNSHIP OF SOUTH PLANTAGENET.

Con.	Lot or Pt. of Lot.	Acres.	Value of Improvement.	As Amended by Court of Revision.
13....	E. pt. 1 .....	100	\$25 00	\$25 00
14....	W. $\frac{1}{2}$ C. ....	80	10 00	10 00
14....	Centre C. ....	50	6 00	6 00
14....	E. $\frac{1}{2}$ of E. $\frac{1}{2}$ C. ....	40	5 00	5 00
14....	D. ....	75	5 00	5 00
Boundary road between Alfred and S. Plantagenet, oppo- site concessions 12 and 13 ...			25 00	25 00
Total for lands and roads in S. Plan- tagenet. ....			\$76 00	\$76 00



## SCHEDULE OF ASSESSMENT, TOWNSHIP OF ALFRED.

Con.	Lot or Pt. of Lot.	Acres.	Value of Improvement.	As Amended by Court of Revision.
13....	N. $\frac{1}{2}$ 1 .....	100	\$59 00	\$60 00
13....	S. $\frac{1}{2}$ 1 .....	100	56 00	60 00
13....	N. $\frac{1}{2}$ 2 .....	100	40 00	40 00
13....	S. $\frac{1}{2}$ 2 .....	100	60 00	60 00
13....	W. $\frac{1}{2}$ 3 .....	100	40 00	40 00
13....	E. $\frac{1}{2}$ 3 .....	100	40 00	40 00
13....	4 .....	190	40 00	40 00
14....	Com.....	100	50 00	50 00
14....	3 .....	35	£0 00	50 00
14....	E. $\frac{1}{2}$ 2 .....	42	25 00	25 00
14....	W. $\frac{1}{3}$ of W. $\frac{1}{2}$ 2.....	14	12 50	12 50
14....	E. $\frac{1}{3}$ of W. $\frac{1}{2}$ 2 .....	14	12 50	12 50
14....	Centre $\frac{1}{3}$ 2 .....	14	10 00	10 00
14....	S. $\frac{1}{2}$ 1 .....	42	15 00	15 00
14....	N. pt. 1 .....	40	15 00	15 00
Boundary road between Alfred and S. Plantagenet, oppo- site con. 13 .....			25 00	25 00
Boundary road between Cale- donia and Alfred, opposite cons. 13 and 14.....			25 00	25 00
Total for lands and road in Alfred.....			575 00	\$580 00

The Creek when completed to be kept in repair by the Municipalities of the Townships of Caledonia, Alfred and South Plantagenet, at the expense of the lands and roads herein assessed for construction, said lands and roads paying in the same proportion as for construction.

I have the honor to be, gentlemen,

Your obedient servant,

(Signed) ROBT. LENDRUM, P.L.S.

And whereas the said Council are of the opinion that the drainage of the locality described is desirable :

Be it therefore enacted by the said Municipal Council of the said Township of Caledonia, pursuant to the provision of the Municipal Act :

1. That the said reports, plans and estimates be adopted and the said drain and the works connected therewith be made and constructed in accordance therewith.

2. That the Reeve of the said Township may borrow on the credit of the corporation of the said Township of Caledonia the sum of \$1,411, being the funds necessary for the work, and may issue debentures of the corporation to that amount in sums not less than \$100 each, and payable within ten years from date hereof, with interest at the rate of 4 per cent. per annum ; that is to say as nearly as may be in equal annual instalments, such debentures to be payable at and to have attached to them coupons for the payment of interest.

3. That for the purpose of paying the sum of \$1,411, being the amount charged against the said lands, so to be benefited as aforesaid and other lands and roads belonging to the municipality, and to cover interest thereon for ten years at the rate of 4 per cent. per annum, the following special rates over and above all other rates shall be assessed and levied in the same manner and at the same time as taxes are levied, upon the under mentioned lots and parts of lots and the amount of the said special

rates

rates and interest assessed as aforesaid against each lot or part of lot respectively, shall be divided in ten equal parts and every one such part shall be assessed and levied as aforesaid in each year for ten years during which the said debentures have to run.

## TOWNSHIP OF CALEDONIA.

Con.	Lot or part of Lot.	Acres.	Value of Improvement.	To cover int. for 10 years @ 4 %.	Total S. Rate.	Annual assessment during 10 years.
6..	W. $\frac{1}{2}$ of 23.....	100	\$10 00	\$2 20	\$12 20	\$1 22
6..	E. $\frac{1}{2}$ of 24 .....	100	45 00	9 90	54 90	5 49
6..	W. $\frac{1}{2}$ of 24 .....	100	45 00	9 90	54 90	5 49
5..	W. $\frac{1}{2}$ of 18 .....	100	8 00	1 76	9 76	9 76
5..	E. $\frac{1}{2}$ 19.....	100	10 00	2 20	12 20	1 22
5..	W. $\frac{1}{2}$ 19 .....	100	20 00	4 40	24 40	2 44
5..	N. pt. 20.....	75	75 00	16 50	91 50	9 15
5..	S. pt. 20 .....	50	15 00	3 30	18 30	1 83
5..	S.W. $\frac{1}{4}$ 24 .....	50	15 00	3 30	18 30	1 83
5..	S.E. $\frac{1}{4}$ 24.....	50	50 00	11 00	61 00	6 10
5..	S. $\frac{1}{2}$ 23.....	100	100 00	22 00	122 00	12 20
5..	N.W. $\frac{1}{4}$ 21 .....	50	60 00	13 20	73 20	7 32
5..	N. $\frac{1}{2}$ 22.....	100	100 00	22 00	122 00	12 20
5..	S. $\frac{1}{2}$ 22.....	100	40 00	8 80	48 80	4 88
5..	N. E. $\frac{1}{4}$ 21 .....	50	60 00	13 20	73 20	7 32
5..	N. $\frac{1}{2}$ of S. $\frac{1}{2}$ 21 ..	50	10 00	2 20	12 20	1 22
4..	S.W. $\frac{1}{4}$ 20 .....	50	7 00	1 54	8 54	0 85
4..	S.E. $\frac{1}{4}$ 21.....	50	5 00	1 10	6 10	0 61
4..	S.W. $\frac{1}{4}$ 21 .....	50	5 00	1 10	6 10	0 61
			\$680 00	\$149 60	829 60	82 96
Chargeable to Caledonia for roads.....			75 00	16 50	91 50	9 15
Total assessment for Caledonia. ....			\$755 00	\$166 10	\$921 10	\$92 11

## TOWNSHIP OF SOUTH PLANTAGENET.

Con.	Lot or part of Lot.	Acres.	Value of Improvement.	To cover int. for 10 years at 4 %.	Total S. Rate.	Annual assessment during 10 years.
13..	E. pt. 1 .....	100	\$25 00	\$5 50	\$30 50	\$3 05
14..	W. $\frac{1}{2}$ C.....	80	10 00	2 20	12 20	1 22
14..	Centre C .....	50	6 00	1 32	7 32	0 73
14..	E. $\frac{1}{2}$ of E. $\frac{1}{2}$ C....	40	5 00	1 10	6 10	0 61
14..	D .....	75	5 00	1 10	6 10	0 61
			\$51 00	\$11 22	\$62 22	\$6 22
Chargeable to Municipality of S. Plantagenet for roads .....			25 00	5 50	30 50	3 05
Total assessment for S. Plantagenet .....			\$76 00	\$16 72	\$92 72	\$9 27

## TOWNSHIP OF ALFRED.

13..	N. $\frac{1}{2}$ 1 .....	100	60 00	13 20	73 20	7 32
13..	S. $\frac{1}{2}$ 1 .....	100	60 00	13 20	73 20	7 32
13..	N. $\frac{1}{2}$ 2 .....	100	40 00	8 80	48 80	4 88
13..	S. $\frac{1}{2}$ 2 .....	100	60 00	13 20	73 20	7 32
13..	W. $\frac{1}{2}$ 3 .....	100	40 00	8 80	48 80	4 88
13..	E. $\frac{1}{2}$ 3 .....	100	40 00	8 80	48 80	4 88
13..	4 .....	190	40 00	8 80	48 80	4 88
14..	Com .....	100	50 00	11 00	61 00	6 10
14..	3 .....	35	50 00	11 00	61 00	6 10
14..	E. $\frac{1}{2}$ 2 .....	42	25 00	5 50	30 50	3 05
14..	W. $\frac{1}{3}$ of W. $\frac{1}{2}$ 2 ..	14	12 50	2 75	15 25	1.525
14..	E. $\frac{1}{3}$ of W. $\frac{1}{2}$ 2 ..	14	12 50	2 75	15 25	1.525
14..	Centre $\frac{1}{3}$ 2 .....	14	10 00	2 20	12 20	1 22
14..	S. $\frac{1}{2}$ 1 .....	42	15 00	3 30	18 30	1 83
14..	N. pt. 1 .....	40	15 00	3 30	18 30	1 83

	\$530 00	\$116 60	\$646 60	\$64 66
Chargeable to Alfred for roads.....	50 00	11 00	61 00	6 10
Total assessment for Alfred.....	\$580 00	\$127 60	\$707 60	\$70 76

4th. For the purpose of paying the sum of \$150.00 being the total amount assessed as aforesaid against the said roads of the said municipalities to cover interest thereon for ten years at the rate of four per cent. per annum, a special rate of                      in the dollar shall over and above all other rates be levied in the same manner, and at the same time as taxes are levied upon the whole rateable property in the said Township of Caledonia in each year for the period of ten years, during which the said debentures have to run.

5th. That James Renwick and James Surch are hereby appointed commissioners to let, oversee and pass the work of constructing the aforesaid drain, and take securities from the contractors for the due performance of the work subject to the approval of the Council of the said Township of Caledonia.

(Signed) JONATHAN CROSS,

Reeve.

[Seal

(Signed) FELIX CADIEUX,

Tp. Clerk.

Dated at Fenaghvale this 12th day of Sept, 1891.

## SCHEDULE B.

(Section 2.)

BY-LAW No. 288.

A By-law to amend By-law No. 255 of the Township of Caledonia in the County of Prescott, entitled "The Caledonia Creek By-law," and for borrowing on the credit of the said Municipality of Caledonia, the sum of eight hundred dollars (\$800) in order to fully carry out the intention thereof.

Provisionally

Provisionally adopted the 15th day of December, A.D. 1896.

Whereas the sum of one thousand four hundred and eleven dollars (\$1,411.00) as mentioned and provided for in said By-law No. 255, has been found insufficient for the completion of the drainage work therein specified.

And whereas it will be necessary to provide a further sum of money for the completion of said work.

And whereas thereupon the said council has procured a further examination to be made by E. T. Wilkie, Civil Engineer and Ontario Land Surveyor, being a person competent for such purpose with a view to the completion of said drainage work, and has also procured plans, specifications and estimates of the drainage work to be made by the said E. T. Wilkie and an assessment to be made by him of the lands and roads to be benefitted by such drainage work or completion thereof, and of other lands and roads liable for contribution thereto, stating as nearly as he can the proportion of benefit, outlet liability and injuring liability which in his opinion will be derived or incurred in consequence of the completion of such drainage by every road and lot or portion of lot, the said assessment so made being the assessment hereinafter by this By-law enacted to be assessed and levied upon the roads and lots or parts of lots hereinafter in that behalf specially set forth and described, and the report of the said E. T. Wilkie in respect thereof and of the said drainage work being as follows :

Almonte. Ont., October, 1895.

*To the Municipal Council of the Township of Caledonia :*

GENTLEMEN,—In accordance with the request of the reeve and your township, I have examined “Caledonia Creek” with a view of making a report as to what will be required to be done, and an estimate of the probable cost of completing the work begun in this creek about four years ago.

I beg leave to report that I chained up the creek from the Nation River to Lot No. 20 in the 5th Con. of Caledonia, using a 66 foot chain. I planted a stake every three chains or 198 feet. I then ran a line of levels up the creek from which I made the accompanying profile which shows the condition of the bottom of, or grade in the creek. I could not be sure of getting the same datum that Mr. Lendrum used but from the results I obtained I am satisfied that I am not far from it. I laid the grade (the red line) as high as I could without being above the bottom of the drain at the upper end and the original creek at stake 225.

I found that a new channel had been made for the first 86 chains and also from stake 108 to stake 142, but neither of these are deep enough. From stake 351 which is near the line between the north and south halves of lot No. 22 in the 5th con. Caledonia upwards, considerable work has been done about half of which is new channel. This portion seems to be deep enough to answer the purpose for which it was made. None of the ditch or new channel was given sufficient slope on the sides nor was the material taken out thrown far enough back from the edge of the ditch, and the result is that the ditch has practically no slopes and that a considerable quantity of the material taken out has fallen back into the ditch and been carried down the stream by the current.

It will be necessary to deepen the ditch and old creek to the depth shewn on the accompanying profile at the stakes where planted and midway between stakes. The ditch is to be made eight (8) feet wide on the bottom, and where possible to have slopes of one and one-half feet horizontal to one foot perpendicular on each side. But in the cuts already made where this cannot be done without making new slopes to the top, make the bottom eight feet wide and give the side all the slope

that



that can be had. Round off all bends as much as possible both in creek and ditch. From stake 351 the ditch only requires to have the loose material in it thrown out. All material taken out of the ditch must be thrown at least five feet back from the edge so as not to fall or wash in again. I would strongly recommend that the bends stake 175.50 to 186. Stake 255 to 267, stake 321 to 333, and stake 342.50 to 347 be cut off as I have staked them and shown them on the profile; by doing so the distance will be shortened over 17 chains and consequently the grade increased a corresponding amount. Some other bends though not so bad as these can be cut off to good advantage, notably from stake 273 to 285, and stake 303 to 309.

I estimate that the work of cleaning out the ditch and creek from the Nation River up as far as work was done four years ago in Lot No. 20, in the 5 Con., Caledonia, without cutting off the bends mentioned above will cost, including engineering expenses, reeve's and clerk's expenses, advertising, etc., eight hundred dollars (\$800).

And I assess this sum against the lands and roads to be benefitted and using the creek as an outlet for water in the same ratio as they were assessed on the former assessment, being the amounts mentioned in the following table. Or in the event of the work costing more or less than my estimate, then the part of the total cost shown by the decimal in the last column.

Schedule of assessment for the Township of Caledonia :

Con.	Lot or part of lot.	Acres.	Value of improvement.	Part of total cost.
4....	S.W. $\frac{1}{4}$ 20.....	50	\$3 95	.00496
4....	S.E. $\frac{1}{4}$ 21 .....	50	2 85	.00355
4....	S.W. $\frac{1}{4}$ 21.....	50	2 85	.00355
5....	W. $\frac{1}{2}$ 18.....	100	4 50	.00577
5....	E. $\frac{1}{2}$ 19.....	100	5 65	.007087
5....	W. $\frac{1}{2}$ 19.....	100	11 35	.01418
5....	N. pt. 20.....	75	42 50	.05315
5....	Centre pt. 20.....	50	8 50	.01063
5....	N. W. $\frac{1}{4}$ 21.....	50	34 00	.04252
5....	N.E. $\frac{1}{4}$ 21 .....	50	34 00	.04252
5....	N. $\frac{1}{2}$ of S. $\frac{1}{2}$ 21.....	50	5 65	.007087
5....	N. $\frac{1}{2}$ 22.....	100	56 70	.07087
5....	S. $\frac{1}{2}$ 22.....	100	22 70	.02835
5....	S. $\frac{1}{2}$ 23.....	100	56 70	.07087
5....	S.W. $\frac{1}{4}$ 24.....	50	8 50	.01063
5....	S. E. $\frac{1}{4}$ 24.....	50	28 35	.03544
6....	W. $\frac{1}{2}$ 23.....	100	5 65	.007087
6....	E. $\frac{1}{2}$ 24.....	190	25 45	.03182
6....	W. $\frac{1}{2}$ 24.....	100	25 45	.03182
	Boundary road Caledonia & Alfred....		14 20	.01772
	Concession road Con. 5 and 6.....		14 20	.01772
	Concession road between Cons. 4 and 5		14 20	.01772
Total for lands and roads Caledonia...			\$427 90	

Schedule of assessment for the township of Alfred :

Con.	Lot or part of lot.	Acres.	Value of improvement.	Part of total cost.
13....	N. $\frac{1}{2}$ 1.....	100	\$34 00	.04252
13....	S. $\frac{1}{2}$ 1.....	100	34 00	.04252
13....	N. $\frac{1}{2}$ 2.....	100	22 70	.02835

Con.

Con.	Lot or part of lot.	Acres.	Value of improvement.	Part of total cost.
13....	S. $\frac{1}{2}$ 2.....	100	\$34 00	.04252
13....	W. $\frac{1}{2}$ 3.....	100	22 70	.02835
13....	E. $\frac{1}{2}$ 3.....	100	22 70	.02835
14....	4.....	190	22 70	.02835
14....	N. part 1.....	40	8 50	.01063
14....	S. part 1.....	40	8 50	.01063
14....	W. $\frac{1}{3}$ of W. $\frac{1}{2}$ 2.....	14	7 10	.00886
14....	E. $\frac{1}{3}$ of W. $\frac{1}{2}$ 2.....	14	7 10	.00886
14....	Centre $\frac{1}{3}$ W. $\frac{1}{2}$ 2.....	14	5 65	.007087
14....	E. $\frac{1}{2}$ 2.....	42	14 20	.01772
14....	3.....	35	28 35	.03544
14....	Commons.....	100	28 35	.03544
	Boundary road Alfred and Caledonia.....		14 20	.01772
	Boundary road Alfred and S. Plantagenet.....		14 20	.01772
Total for lands and roads in Alfred..			\$328 95	

## Schedule of assessment for the Township of South Plantagenet :

Con.	Lot or part of lot.	Acres.	Value of improvement.	Part of total cost.
13....	E. part 1.....	100	\$14 20	.01772
14....	W. part C.....	80	5 65	.007087
14....	Centre part C.....	50	3 40	.004252
14....	E. $\frac{1}{2}$ of E. $\frac{1}{2}$ C.....	40	2 85	.003544
14....	D.....	75	2 85	.003544
	Boundary road Alfred and South Plan- tagenet.....		14 20	.01772
Total lands and roads S Plantagenet..			\$43 15	

## Summary—

Total for Township of Caledonia.....	\$427 90
“ “ “ Alfred.....	328 95
“ “ “ South Plantagenet.....	43 15
Total assessment.....	\$800 00

The creek or ditch when completed is to be kept in repair by the municipalities of the townships of Caledonia, Alfred and South Plantagenet at the expense of the lands and roads herein assessed for construction, said lands and roads are to pay in the same ratio as for construction.

I have the honor, Gentlemen, to be  
Your obedient servant,

(Sgd) E. T. WILKIE, C.E. Ont. L.S.

And whereas the said Council are of opinion that the completion of the drainage of the area described is desirable.

Therefore the said Municipal Council of the said township of Caledonia, pursuant to the provisions of the *Drainage Act 1894*, enacts as follows :

1. The said report, plans, specifications, assessments and estimates are hereby adopted and the drainage work as therein indicated and set forth being a completion of said drainage work as mentioned in said By-law number 255, shall be made and constructed in accordance therewith.

2. The reeve of the said Township of Caledonia may borrow on the credit of the corporation of the said Township of Caledonia the sum of eight hundred dollars (\$800.00), being the funds necessary for the completion of the said drainage work not otherwise provided for and may issue debentures of the Corporation to that amount in sums of not less than fifty dollars (\$50.00) each and payable within ten (10) years from the date thereof with interest at the rate of four (4) per centum per annum, that is to say : In ten equal annual debentures without coupons of ninety-eight dollars and fifty cents (98.50) each, being the amount required to discharge said sum of eight hundred dollars (800.00) and interest thereon at the rate aforesaid within the said period of ten years, such debentures to be payable at the office of the Treasurer of the Province of Ontario, Toronto.

3. For paying the sum of eight hundred dollars (800.00), the amount charged against the said lands and roads for benefit, including lands and roads belonging to or controlled by the municipality and for covering interest thereon for ten (10) years at the rate of four (4) per centum per annum, the following total special rates over and above all other rates shall be assessed, levied and collected (in the same manner and at the same time as other taxes are levied and collected) upon and from the under-mentioned lots and parts of lots and roads, and the amount of the said total special rates and interest against each lot or part of lot respectively shall be divided into ten (10) equal parts, and one such part shall be assessed, levied and collected as aforesaid in each year for ten (10) years after the final passing of this by-law during which the said debentures have to run.

Schedule of assessment for the township of Caledonia.

Con.	Lot or part of lot.	Acres.	Value of improvement.	Annual assessment to cover prin. and int. during each year for 10 years 4% int.
4	S.W. $\frac{1}{4}$ 20.....	50	\$3.95	.486
4	S.E. $\frac{1}{4}$ 21.....	50	2.85	.350
4	S.W. $\frac{1}{4}$ 21.....	50	2.85	.350
5	W. $\frac{1}{2}$ 18.....	100	4.50	.554
5	E. $\frac{1}{2}$ 19.....	100	5.65	.695
5	W. $\frac{1}{2}$ 19.....	100	11.35	1.397
5	N. pt. 20.....	75	42.50	5.232
5	Centre pt. 20.....	50	8.50	1.046
5	N.W. $\frac{1}{4}$ 21.....	50	34.00	4.186
5	N.E. $\frac{1}{4}$ 21.....	50	34.00	4.186
5	N. $\frac{1}{2}$ of S. $\frac{1}{2}$ 21.....	50	5.65	.695
5	N. $\frac{1}{2}$ 22.....	100	56.70	6.981
5	S. $\frac{1}{2}$ 22.....	100	22.70	2.794
5	S. $\frac{1}{2}$ 23.....	100	56.70	6.981
5	S.W. $\frac{1}{4}$ 24.....	50	8.50	1.046
5	S.E. $\frac{1}{4}$ 24.....	50	28.35	3.490
6	W. $\frac{1}{2}$ 23.....	100	5.65	.695
6	E. $\frac{1}{2}$ 24.....	100	25.45	3.183
6	W. $\frac{1}{2}$ 24.....	100	25.45	3.133
	Boundary road Caledonia & Alfred.....		14.20	1.748
	Concession road, Concessions 5 & 6.....		14.20	1.748
	Concession road between Concessions 4 & 5.....		14.20	1.748
Total for lands and roads, Caledonia.....			\$427.90	\$52.685

## Schedule of assessment for the township of Alfred.

Con.	Lot or part of lot.	Acres.	Value of improvements.	Annual assessment to cover prin. and int. during each year for 10 years, 4% int.
13	N. $\frac{1}{2}$ 1.....	100	\$34.00	4.186
13	S. $\frac{1}{2}$ 1.....	100	34.00	4.186
13	N. $\frac{1}{2}$ 2.....	100	22.70	2.794
13	S. $\frac{1}{2}$ 2.....	100	34.00	4.186
13	W. $\frac{1}{2}$ 3.....	100	22.70	2.794
13	E. $\frac{1}{2}$ 3.....	100	22.70	2.794
13	4.....	190	22.70	2.794
14	N. pt 1.....	40	8.50	1.046
14	S. pt. 1.....	40	8.50	1.046
14	W. $\frac{1}{3}$ of W. $\frac{1}{2}$ 2.....	14	7.10	.874
14	E. $\frac{1}{3}$ of W. $\frac{1}{2}$ 2.....	14	7.10	.874
14	Centre $\frac{1}{3}$ of W. $\frac{1}{2}$ 2.....	14	5.65	.695
14	E. $\frac{1}{2}$ 2.....	42	14.20	1.748
14	3.....	35	28.35	3.490
14	Commons.....	100	28.35	3.490
	Boundary road Alfred & Caledonia....		14.20	1.748
	Boundary road Alfred & S. Plantagenet		14.20	1.748
Total for lands and roads in Alfred...			\$328 95	\$40.502

## Schedule of assessment for the township of South Plantagenet.

Con.	Lot or part of lot.	Acres.	Value of improvements.	Annual assessment to cover prin. and int. during each year for 10 years int. 4%.
13	E. pt. 1.....	100	\$14.20	\$1.748
14	W. pt. C.....	80	5.65	.695
14	Centre pt. C.....	50	3.40	.418
14	E. $\frac{1}{2}$ of E. $\frac{1}{2}$ C.....	40	2.85	.350
14	D.....	75	2.85	.350
	Boundary road Alfred and S. Plantagenet..		14.20	1.748
Total lands and roads S. Plantagenet..			\$43.15	\$5.312

## Summary.

Total for township of Caledonia.....	\$427.90	\$52.685
“ “ Alfred.....	328.95	40.502
“ “ South Plantagenet.....	43.15	5.312
Total.....	\$800.00	\$98.499

4th. This By-law shall not require any publication whatever and shall come into force upon and after the final passing thereof and may be cited as the “Caledonia Creek Amending By-law.”

Finally passed at the township of Caledonia this fifteenth day of December A.D. 1896.

(Sgd.) JONATHAN CROSS,  
Reeve.

(Seal.) (Sgd.) FELIX CADIEUX,  
Township Clerk.



## CHAPTER 43.

## An Act respecting the Town of Cobourg.

*Assented to 1st April, 1899.*

WHEREAS the Municipal Corporation of the Town of Cobourg has petitioned for an Act to confirm a certain agreement set forth in Schedule A. hereto, with George M. Clark, of the said Town of Cobourg, and has further prayed that the said corporation may be given authority to grant a bonus to Dick, Ridout & Company, who are carrying on a business as woollen manufacturers in the said Town of Cobourg, as an inducement to the said Dick, Ridout & Company to extend their business; and whereas it has been made to appear that the granting of the said bonus will not interfere with any industry of a similar nature already established in the said town without any such bonus, and that in other respects the case would come within the terms of the repealed provisions of *The Municipal Amendment Act, 1888*, respecting aid to industrial enterprises; and whereas no opposition has been offered to the said petition; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. A certain agreement set forth in Schedule A. hereto, between George M. Clark and the Corporation of the Town of Cobourg and bearing date the 30th day of December, 1898, is hereby confirmed.

Agreement  
with Geo. M.  
Clark con-  
firmed.

Authority to  
bonus Dick,  
Ridout & Co.

2. Subject as hereinafter provided it shall be lawful for the municipal council of the Town of Cobourg to pass a by-law for granting aid by way of bonus to the said firm of Dick, Ridout & Company to an amount not exceeding \$10,500, for the purpose of inducing the said firm to extend their said business and to issue debentures and do all other acts in connection therewith as if the power to grant bonuses was still vested in the municipality.

Assent of two-  
thirds of  
ratepayers  
required.

3. No such aid by way of bonus shall be given until after the passing of a by-law for the purpose by the Municipal Council of the Town of Cobourg and the approval of the said by-law by the vote of at least two-thirds in the affirmative of the rate-payers of the said Town of Cobourg who are entitled to vote in the case of by-laws for the creation of debts, and except as herein otherwise provided all the terms of the repealed provisions of *The Municipal Amendment Act, 1888*, relating to the creation of debts and the assent of the qualified ratepayers shall apply.

Certificate of  
clerk as to  
majority.

4. In addition to the certificate required by section 364 of *The Municipal Act* the clerk in case of a majority of votes in favour of the by-law shall further certify whether or not as shown by the voters' lists such majority appears to be two-thirds of all the qualified ratepayers of the said Town of Cobourg entitled to vote on the by-law.

Scrutiny.

5. In case of a dispute as to the result of the vote on any by-law submitted under this Act, the County Judge shall have the same powers for determining the question as he has in any case of a scrutiny of the votes.

Who may pe-  
tition judge,—  
procedure.

6. The petition to the judge may be by an elector or by the council and the proceedings for obtaining the judge's decision shall be the same, as nearly as may be, as in the case of a scrutiny.

Certain sec-  
tions of Rev.  
Stat. c. 223,  
to apply.

7. Sections 245 to 258 inclusive, 338 to 365 inclusive, and 367 to 374 inclusive of *The Municipal Act* shall be taken and considered as part of this Act.

General pro-  
visions of Rev.  
Stat. c. 223, to  
apply.

8. Except as otherwise provided in this Act all the clauses of *The Municipal Act* relating to the creation of debt, the issue of debentures and the time and manner of re-payment of the same shall apply and be read as part of this Act.

Informalities  
not to invali-  
date.

9. No irregularity in the form of debentures to be issued under the said by-law shall render the same invalid or illegal or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest or any or either of them or of any part thereof.

## SCHEDULE A.

THIS INDENTURE, made the 30th day of December, in the year one thousand and eight hundred and ninety-eight, between, the Corporation of the Town of Cobourg, hereinafter called "the Corporation," of the first part, and George M. Clark, of the said Town of Cobourg, barrister-at-law, of the second part.

Whereas it is necessary and expedient that the summer hotel accommodation in the said town should be greater than at present in order to supply the increased demand therefor by travellers desiring to visit Cobourg ;

And whereas such increase of accommodation may be used, not for the whole of the year, but for the summer season only, and this fact renders the return for the outlay in making such improvements less certain than it would otherwise be ;

And whereas it was arranged between the parties to these presents that the hotel known as the "North American Hotel," which has been in disrepair and out of use for several years should be put in repair and improved by an outlay by the said Clark so as partly to meet the said growing demand for hotel accommodation in the said town on the condition that the increased value of the said hotel property caused by such outlay should not be taxed except for school purposes for the period of ten years ;

Now the parties to these presents have mutually agreed as follows : that is to say,

The said Clark covenants that he will, without any delay after the date of these presents that can be reasonably avoided, incur an expenditure of at least three thousand five hundred dollars in putting the "North American Hotel" property into good repair and in making improvements thereto so as to have the same ready and in good condition for the use of the travelling public on or before the first day of July, one thousand eight hundred and ninety-nine, such expenditure to include any after the first day of March, 1898, the said property being lots one, two, three and four in Block B, on the east side of Division street ;

The corporation covenants that it will exempt for ten calendar years next after the present year the increased value of the said property caused by the said expenditure, that is to say, it shall not, during the said period, be assessed for tax purposes at a higher sum than it is for this year, namely, two thousand four hundred dollars.

Provided that nothing herein shall be held to exempt the said increased value or the present value of the said property from taxation for school purposes ; and provided further that this indenture shall not go into force unless the Legislature of the Province of Ontario shall at its next Session after the first day of December, 1898, confirm and validate it and shall also give to the corporation authority to make agreements with other parties to exempt from taxation (except for school purposes) the increased value of other hotel properties caused by expenditure thereon, subsequent to the making of the agreement in order to give increased hotel accommodation to travellers desiring to visit Cobourg. And provided further that the said premises shall not be exempted as aforesaid for any calendar year during which they shall be kept open to the public as a hotel for a period longer than six months.

Witness the Corporate Seal of the corporation and signature of its officials below named and the hand and seal of the said Clark.

Signed, sealed and delivered in the  
presence of  
D. H. MINAKER,  
Town Clerk. }

JOHN D. HAYDEN,  
Mayor.

WITNESS  
to execution by  
GEO. M. CLARK,  
SAM CLARK. }

GEO. M. CLARK.

## CHAPTER 44.

## An Act to consolidate the debt of the Town of Collingwood.

*Assented to 1st April, 1899.*

## Preamble.

WHEREAS the Municipal Corporation of the Town of Collingwood have by their petition represented that they have incurred debts and liabilities for the purpose of making harbour improvements, establishing a system of water works and electric lighting, aiding railways and manufactories and for other public improvements of a permanent character, to the extent of over \$200,000, for which amount debentures have from time to time been issued, all of which both principal and interest fall due and become payable within the next twenty years, and no portion of them, either for principal or interest is in arrear; and it has been further represented that no funds have been provided by way of sinking fund or otherwise for redeeming the said debentures, the same being repayable in annual instalments; and whereas the said corporation have by their petition represented, that to pay off the said debt with interest, as the same becomes due, in addition to the ordinary annual expenditures and burdens, would be unduly oppressive to the ratepayers, the improvements for which the said debts were contracted being of a permanent character and the said corporation have prayed that the said debenture debt be consolidated and that they may be authorized to issue consolidated debentures from time to time, not exceeding in the whole the sum of \$200,000 for the redemption of the said debt; and whereas it is expedient to grant the prayer of this said petition;

Therefore,



Therefore, Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said debts of the said Town of Collingwood the particulars whereof are set forth in the schedule hereto annexed marked C are hereby consolidated at the sum of \$200,000, and it shall be lawful for the Corporation of the said Town of Collingwood to raise by way of loan on the credit of the debentures hereinafter mentioned, and by this Act authorized to be issued, from any person or persons, or body corporate, a sufficient sum or sufficient sums to retire the said debentures amounting to \$200,000 as they respectively become due not exceeding in the whole the said sum of \$200,000 exclusive of interest thereon and not exceeding in any one year the principal amount of debentures falling due in that year.

Consolidation  
of debt.

2. It shall be lawful for the said corporation of the Town of Collingwood from time to time, to pass a by-law or by-laws providing for the issue of debentures under their corporate seal signed by the mayor and countersigned by the treasurer for the time being in such sums of not less than \$100, and not exceeding \$200,000 in the whole or in any one year the principal amount of debentures falling due in that year as the said corporation may from time to time direct, and the principal sum secured by the said debentures and the interest accruing thereon may be payable at such place or places as the said corporation deem expedient, and may be expressed in either sterling money of Great Britain or currency of Canada.

Authority to  
issue debentures.

3. The corporation of the said town may, for the purpose in section 7 hereof mentioned, raise money by way of loan on the said debentures in this Province or in Great Britain or elsewhere, or sell and dispose of the said debentures from time to time as they may deem expedient.

Sale of  
debentures.

4. The said debentures shall be payable in not more than thirty-five years from the issue thereof, as the said corporation may direct. Coupons shall be attached to the said debentures for the payment of the interest thereon, and such interest shall be payable half yearly, on the first day of June and December, in each and every year at the places mentioned therein, and in the coupons attached thereto, and such debentures may bear interest at any rate not exceeding four and a half per cent. per annum.

Debentures  
and interest.

5. A portion of the said \$200,000 of debentures to be issued under this Act, shall be made payable in each year for a period not exceeding thirty-five years from the first day of December 1919, and so that the aggregate amount payable for principal and interest in any one year shall be equal, as nearly as may be, to what is payable for principal and interest during each

When repay-  
able.

of the other years of the period within which the debt is to be discharged.

Special rate.

6. The said corporation shall levy, in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act, and it shall not be necessary to levy for, or to provide any sinking fund to retire the said debentures or any of them.

Application of proceeds of debentures.

7. The said debentures and all moneys arising therefrom shall be applied by the said corporation in the redemption of the debentures of the Town of Collingwood to the amount of \$200,000 and in no other manner, and for no other purpose whatsoever and such debentures may be known as the "Consolidated Debt Debentures," and the said corporation shall not after the passing of this Act issue any further debentures under *The Town of Collingwood Debenture Act of 1891*, the unissued portion of the debentures authorized to be issued by that Act being included in this Act.

Treasurer to call in outstanding debentures.

8. The treasurer of the said town, shall, on receiving instructions from the council so to do, from time to time but only with the consent of the holders thereof, call in any of the outstanding debentures, and shall discharge the same with funds raised under the preceding sections of this Act, or may with the like consent, substitute therefor the said debentures, or any of them hereinbefore authorized to be issued upon such terms as may be agreed upon between the said council and the said holders of the said outstanding debentures.

Repeal of by-law.

9. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied.

Assent of electors not necessary.

10. It shall not be necessary to obtain the assent of the electors of the said Town of Collingwood to the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Municipal Act*.

Rev. Stat. c. 223.

Books of account to be kept.

11. It shall be the duty of the treasurer from time to time of the said town to keep, and it shall be the duty of each of the members from time to time of the said municipal council to procure such treasurer to keep and see that he does keep a proper book of account setting forth a full and particular statement so that the same shall at all times shew the number of debentures which, from time to time, shall be issued under the powers conferred by this Act, and the respective amounts, payment of which is hereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be

be realized from the sales or negotiations of the said debentures, and the application which shall from time to time be made of the said amounts, and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said town, and of any of the holders from time to time of the debentures which shall be issued under the powers hereby conferred, or of any such debentures.

**12.** Nothing in this Act contained shall be held or taken to discharge the corporation of the Town of Collingwood from any indebtedness or liability which may not be included in the said debt of the said Town of Collingwood. Liability of municipality

**13.** The debentures issued under this Act may be in the form contained in schedule A. to this Act, and the by-law or by-laws authorizing the same may be in the form of Schedule B. of this Act. Form of debentures.

**14.** Any provisions in the Acts respecting municipal institutions in the Province of Ontario, which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act, and no irregularity in the form of the said debentures, or any of them, by this Act authorized to be issued, or of the by-law or by-laws authorizing the issuing thereof shall render the same invalid or illegal or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest, or any or either of them or any part thereof, and the purchaser or holder thereof shall not be bound to enquire as to the necessity of passing such by-law or issue of debentures, or as to the application of the proceeds thereof. Inconsistent provisions of Municipal Act not to invalidate by-laws.

**15.** This Act may be cited as *The Collingwood Debenture Act, 1899.* Short title.

## SCHEDULE A.

(Section 13.)

Province of Ontario, Town of Collingwood Consolidated Debenture Debt.

Under and by virtue of *The Collingwood Debenture Act, 1899*, and by virtue of by-law No. \_\_\_\_\_ of the corporation of the Town of Collingwood, the corporation of the Town of Collingwood promise to pay the bearer at \_\_\_\_\_, in \_\_\_\_\_, the sum of \_\_\_\_\_, on the first day of December, one thousand \_\_\_\_\_ hundred and \_\_\_\_\_, and the yearly coupons hereto attached as the same shall severally become due.

Dated at Collingwood this \_\_\_\_\_ day of \_\_\_\_\_, A.D. \_\_\_\_\_.

SCHEDULE

SCHEDULE B.

(Section 13.)

By-law No. , to authorize the issue of debentures under authority of *The Collingwood Debenture Act, 1899.*

Whereas the said Act authorizes the issue of debentures for the purpose herein mentioned, to be known as "Consolidated Debt Debentures," not exceeding the sum of \$200,000 in the whole, as the corporation of the Town of Collingwood may, in pursuance of and in conformity with the provisions of the said Act, direct; and whereas for the purpose mentioned in the said Act it is necessary and expedient to issue debentures to the extent of \$ , payable on the day of , with interest thereon at the rate of per cent. per annum, payable yearly, according to the coupons to the said debentures attached; and whereas the amount of the whole rateable property of the said Town of Collingwood, according to the last revised assessment roll of the said town, being for the year one thousand eight hundred and , was \$ .

Therefore the municipal council of the corporation of the Town of Collingwood enacts as follows :—

1. Debentures under the said Act and for the purpose therein mentioned, to be known as "Consolidated Debt Debentures," to the extent of the sum of \$ , are hereby authorized and directed to be issued.

2. The said debentures shall have coupons thereto attached for the payment of interest at the rate of per cent. per annum, payable on the first day of December in each year

This by-law passed in open council this day of , in the year of our Lord one thousand eight hundred and .

SCHEDULE C.

Shewing debts to be paid off by the consolidated debentures hereby authorized to be issued :—

Dry dock.....	\$ 6,900 00
School debentures (1st issue).....	4,600 00
“ “ (2nd “ ).....	1,459 32
Water-works and E. L. debentures (1st issue).....	52,500 00
Town hall.....	12,500 00
Water-works and E. L. debentures (2nd issue).....	\$25,000 00
Less at credit of sinking fund ...	\$3,343 93
	<hr/>
Water-works and E. L. debentures of 1895.....	21,656 07
Debenture Act of 1884.....	8,800 00
Debenture Act of 1891.....	42,000 00
Harbour improvement debentures.....	41,000 00
	<hr/>
Total.....	\$204,915 39



## CHAPTER 45.

An Act confirming a certain By-law and Agreement of the Municipal Corporation of the Town of Cornwall.

*Assented to 1st April, 1899.*

**W**HEREAS the Canadian Colored Cotton Mills Company, <sup>Preamble.</sup> Limited, by their petitions have prayed that an Act may be passed confirming a certain by-law of the Corporation of the Town of Cornwall and a certain agreement made between the Corporation of the Town of Cornwall and The Canadian Colored Cotton Mills Company, Limited, which are fully set forth in schedules "A" and "B" respectively to this Act: The said by-law and agreement fixing the proportion of the assessment of the mills of the said, The Canadian Colored Cotton Mills Company, Limited, upon which the municipal corporation are to levy taxes for municipal and school purposes, for a period of ten years from the first day of January, A.D. 1899; and whereas the said by-law was unanimously passed by the municipal council of the Town of Cornwall, and the said agreement was entered into upon certain conditions, which the said Town of Cornwall considered favorable; and whereas the said corporation of the Town of Cornwall has by its petitions prayed that an Act may be passed to confirm the said by-law and agreement, and whereas it is expedient to grant the prayer of the said petitions;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

By-law and  
agreement  
confirmed.

1. That said by-law of the Municipal Corporation of the Town of Cornwall, number 10, of the year 1899, together with the said agreement referred to in the said by-law and the said by-law and agreement being set forth in full in schedules "A" and "B" to this Act are hereby confirmed and declared legal, valid and binding in the same manner and to the same extent as if set out at length and the provisions thereof enacted in this Act anything contained in *The Assessment Act*, or any other Act to the contrary notwithstanding.



### SCHEDULE "A."

By-law number 10 of the corporation of the town of Cornwall, in the county of Stormont, of the year 1899, for fixing the proportion of the assessment upon the property of the Canadian Colored Cotton Mills Company, Limited, in the town of Cornwall, upon which said company are required to pay municipal and school taxes for a period of ten years from the first day of January, A.D. 1899.

Whereas the corporation of the town of Cornwall, have entered into an agreement bearing even date herewith with the Canadian Colored Cotton Mills Company, Limited, to fix the assessment of all the real estate, buildings, machinery and other property immediately used or connected therewith belonging to the company's mills or factories in the town of Cornwall at forty per cent of \$625,000.00 for a period of ten years from the first day of January, A.D. 1899, upon the terms, provisions and conditions in said agreement contained.

And whereas it is necessary to authorize the mayor and clerk of the corporation of the town of Cornwall to execute the said agreement and attach the corporate seal thereto.

Be it therefore enacted by a by-law of the corporation of the town of Cornwall, and it is hereby enacted that the mayor and clerk be, and they are hereby, authorized and empowered to sign and seal with the corporate seal of the town of Cornwall the said agreement with the Canadian Colored Cotton Mills Company, Limited, bearing date the tenth day of February, A.D. 1899.

And it is further enacted that the said agreement with the Canadian Colored Cotton Mills Company, Limited, shall not come into operation or take effect until an Act is passed by the Legislature of the Province of Ontario ratifying, confirming and declaring valid the said agreement together with this by-law.

Passed in open council, signed and sealed, this 10th day of February, in the year of our Lord, one thousand eight hundred and ninety-nine.

(S'gd) D. O. ALGUIRE,  
Mayor.

(S'gd.) GEORGE S. JARVIS,  
Clerk.

## SCHEDULE B.

This agreement made between the corporation of the town of Cornwall, in the county of Stormont and Province of Ontario, hereinafter called "the corporation," of the first part, and the Canadian Colored Cotton Mills Company (Limited), a body corporate and politic, hereinafter called "the company," of the second part.

Whereas under and in pursuance of an Act passed by the Legislative Assembly of the Province of Ontario, thirty-six Victoria, chapter 67, entitled *An Act to enable the corporation of the town of Cornwall to exempt from taxation certain manufactories within the town for any period not exceeding twenty-one years*, the said council of the corporation of the town of Cornwall did, by by-law number ten, passed on the fourth day of June, A.D. 1877, exempt the Canada Cotton Company from taxation from the first day of January, 1877, to the thirty-first day of December, 1893, inclusive, being a period of seventeen years, the balance of the twenty-one years, which was authorized and permitted under the said Act.

And whereas the said period of exemption expired upon that portion of the Canadian Colored Cotton Mills Company's property known as the old part of the Canada Cotton Company's property.

And whereas on the fifth day of February, 1894, a by-law was passed by the corporation of the town of Cornwall to commute the taxes on that part of the Canadian Colored Cotton Mills Company's property known as the old part of the Canada Cotton Company's property, which was ratified by an Act of the Legislature of the Province of Ontario, 57 Victoria, chapter 63.

And whereas on the 5th day of February, 1894, a by-law was passed to exempt that portion of the Canadian Colored Cotton Mills Company's property known as the weave shed in connection with what was formerly the Canada Company's property in the town of Cornwall, which period of exemption will expire on the 31st day of December, 1903.

And whereas on the 12th day of February, 1892, a by-law was passed exempting from taxation for a period of ten years that part of the Canadian Colored Cotton Mills Company's property known as the Stormont mill which was first erected, which period of exemption expires on the 6th day of February, 1902.

And whereas on the 2nd day of March, 1893, a by-law of the corporation of the town of Cornwall was passed exempting from taxation for a period of ten years that portion of the Canadian Colored Cotton Mills Company's property known as the new Stormont mill, which period of exemption will expire on the 8th day of January, 1899.<sup>1</sup>

And whereas the Canadian Colored Cotton Mills Company (Limited) are desirous of making additions to the buildings and machinery connected with their manufacturing property in the town of Cornwall known as the Canada cotton mill to the amount of one hundred and fifty thousand dollars.

<sup>1</sup> And whereas in consideration of the proposed additions to the said company's said property and the expenditure of the said sum of money and the employment of the number of hands in the company's mills or factories in the town of Cornwall hereinafter set out, the corporation deem it advisable to enter into a new contract with the company for the purpose of fixing the amount of assessment on which taxes are to be levied for municipal and school purposes on all the company's real estate, buildings, machinery and other property immediately used or connected therewith, excepting and excluding, however, all boarding houses, dwelling houses or residences of managers or other employees of the company in the town of Cornwall.

This

This agreement witnesseth that the corporation hereby agree to fix the assessment of all the real estate, buildings, machinery and other property immediately used or connected therewith belonging to the company's mills or factories in the town of Cornwall at forty per cent. of \$625,000 for a period of ten years from the first day of January, A.D. 1899, and municipal and school taxes shall only be collected upon forty per cent. of the said value fixed at \$625,000 for a period of ten years from the 1st day of January, A.D. 1899.

And the company agree with the corporation that in consideration of the commutation of the assessment and taxes as aforesaid that they will expend the sum of one hundred and fifty thousand dollars in addition to the buildings and machinery of their mills or factory known as the Canada cotton mill in the town of Cornwall, and that the company will commence the expenditure of the said sum of one hundred and fifty thousand dollars in two years from the date hereof and complete such expenditure by the first day of January, A.D. 1904.

And the company further agree with the corporation that they will employ not less than nine hundred hands uniformly and continuously and from day to day while running for the said term of ten years in their mills or factories in the town of Cornwall.

The company further agree with the corporation to run and operate each and all their factories in the town of Cornwall to the full capacity of all and every department thereof during the said term of ten years for not less than nine months in the aggregate in any consecutive period of twelve months, such months to be composed of twenty-six days of ten hours each, and such nine months to be exclusive of stoppages from any cause whatsoever.

But it is understood that a stoppage for alternate weeks or for alternate periods of any duration or any other systematic reduction of running time or a stoppage for three months or a shorter period at the end of one year and for three months or a shorter period at the beginning of the next year so as to make a longer stoppage than three months at any one time are all contrary to the terms of this agreement.

And the company further agree with the corporation that in the event of the company making default in the running of their mills in accordance with the terms aforesaid at any time during the said term of ten years, when and so often as such default shall happen then all the real estate, buildings, machinery and other property of the company in the town of Cornwall shall be assessed according to law and be liable to taxation for the year in which such default happens as if this agreement had not been entered into and no Act of the Provincial Legislature had been passed ratifying and validating the same.

And it is further agreed between the said parties hereto that if the company shall fail to run and operate each and all of their said factories and each and every department thereof to their full capacity for less than eighteen months in any consecutive period of twenty-four months or shall fail to expend the sum of one hundred and fifty thousand dollars within the time aforesaid or fail to employ the said number of hands aforesaid, then on the happening of any such event or default this agreement shall be null and void and the whole of the property of the company in the town of Cornwall shall be assessed and pay taxes according to the general law as if this agreement had not been made and no ratifying statute has been passed.

And it is further agreed between the parties hereto that this agreement shall not come into operation or take effect until an Act is passed by the Legislature of the Province of Ontario ratifying, confirming and declaring valid the same, together with a by-law of the corporation authorizing the mayor and clerk of the town of Cornwall to execute this agreement.

And



And it is further agreed that wherever the word "company" is used in this agreement the same shall be construed and taken to mean the Canadian Colored Cotton Mills Company (Limited), their successors, assigns and transferees.

In witness whereof the mayor and clerk of the corporation of the town of Cornwall have hereunto subscribed their hands and affixed the corporate seal, and the                      of the Canadian Colored Cotton Mills Company (Limited) has hereunto subscribed his hand and affixed the company's seal this 10th day of February, A.D. 1899.

Signed, sealed and delivered  
in presence of

(Sgd.)

D. O. ALGUIRE,  
Mayor.

[Seal.]

Witness :

(Sgd.) R. A. PRINGLE.

(Sgd.)

GEORGE S. JARVIS,  
Clerk.

## CHAPTER 46.

## An Act respecting By-Law No. 462 of the Town of Dundas.

*Assented to 1st April, 1899.*

## Preamble.

WHEREAS the Municipal Corporation of the Town of Dundas and Messrs John Bertram & Sons have by their joint petition represented that By-Law No. 462 entitled By-Law No. 462 "For granting a Bonus of \$12,000 in aid of John Bertram & Sons" was on the Twelfth day of September, 1898, finally passed by the Corporation of the Town of Dundas; and that the said by-law before the final passing thereof was on the 26th day of August, 1898, submitted to a vote of the qualified ratepayers of the said town and a vote was on said last mentioned date taken thereon and the same was carried by a large majority of said ratepayers, 361 or over two-thirds of the said ratepayers voting for and only 42 against the same; and that the total number of ratepayers in said town qualified to vote on the said by-law was 506 according to the last revised voters' list for the said town; and whereas the said Corporation and Messrs. John Bertram & Sons have by their said petition prayed that an Act may be passed to ratify, confirm and legalize said by-law; and whereas the said bonus does not represent greater aid to the said firm than could have been granted by the Council of the said Corporation by way of exemption from taxes; and whereas it is expedient to grant the prayer of the said petition.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The by-law of the Corporation of the Town of Dundas passed on the 12th day of September, 1898, entitled By-Law No. 462 "For granting a Bonus of \$12,000 in aid of John Bertram & Sons" which by-law is set out in Schedule A to this Act is hereby ratified, confirmed and declared to be legal and valid and the debentures issued or to be issued thereunder are hereby declared to be valid, legal and binding upon the Corporation of the Town of Dundas, notwithstanding anything in any Act to the contrary.

By-law No.  
462 in aid of  
J. Bertram &  
Sons con-  
firmed.

2. The agreement made between the said John Bertram & Sons and the said Corporation of the Town of Dundas mentioned in the said by-law is hereby confirmed and declared to be legal and valid as between the said John Bertram & Sons and the said the Corporation of the Town of Dundas and their respective heirs, executors, administrators, successors in office and assigns.

Agreement  
confirmed.

## SCHEDULE A.

### (Section 1.)

#### BY-LAW No. 462.

For granting a Bonus of \$12,000 in aid of John Bertram & Sons.

Whereas, the Canada Tool Works owned by John Bertram & Sons, is the principal manufacturing industry in the Town of Dundas, employing at the present time over two hundred hands, and having paid out over \$600,000 in wages during the past twelve years.

And whereas, the said Company has added to its list a new line machinery and it is necessary for the Company to extend its works by the erection of a steel and brick structure 110 x 80 feet, covering the present court yard, the remodelling of its other buildings and the building of a railway switch, connecting its premises with the T. H. & B. Ry. Co., the proposed extensions costing over the sum of \$16,000.

And whereas, the proposed extensions will require the employment by the said Company on an average of at least fifty more men than it has employed on the average during the past five years.

And whereas, a large number of citizens have petitioned the said Company to go on with the said extensions, and it has been deemed to be in the interests of the citizens to aid the said Company by granting it a bonus of \$12,000 to assist it, and the said Company has applied to the Council of the Corporation of the Town of Dundas to aid it as aforesaid.

And whereas, the said Company has never had any exemption from taxation or bonus of any kind granted it by the Town of Dundas since its inception in 1886.

And whereas, in order to provide the said bonus it will be necessary to issue debentures of this Municipality for the sum of \$12,000, payable as herein provided.

And whereas, to raise the said sum of \$12,000 it will be necessary to raise annually by special rate during the currency of said debentures the sum of \$882.98 for paying the principal and interest thereof.

And

And whereas, the amount of the whole rateable property of the municipality according to the last revised assessment roll is \$830,210.

And whereas, the existing debenture debt of the municipality amounts to \$68,480 and no principal or interest is in arrear except the sum of \$6,000 for principal.

Therefore, the Municipal Council of the Town of Dundas enacts as follows :—

1. It shall be lawful for the Corporation of the said Town of Dundas for the purposes aforesaid to issue debentures of the municipality for the sum of \$12,000 as hereinafter provided in sums of not less than \$100 to be payable at the end of twenty years from the first day of September, A.D. 1898, such debentures to bear interest at four per centum per annum from that date and interest on all such debentures to be paid half-yearly on the first days of March and September in each year.

2. The said debentures and coupons attached shall be payable at the office of the Treasurer of the Town of Dundas.

3. It shall be lawful for the Mayor of the said Municipality, and he is hereby authorized and empowered to sign the said debentures and coupons attached and to cause the same and the interest coupons thereto to be signed by the Treasurer of the said Corporation and the Clerk of the said Municipality is hereby authorized and instructed to attach the seal of the said Municipality to the said debentures and said debentures when so signed and sealed shall be handed over to the said Company to be disposed of by it upon the payment by the Company to the Corporation of all interest accrued on said debentures at the time of their being handed over and upon and after the completion of the said extension and upon the payment by the Company to the Corporation of all costs in connection with the passing of this by-law and of the costs of procuring such legislation as may be necessary to validate the same and upon the said company executing the agreement attached to this by-law.

4. There shall be raised and levied annually by special rate upon all the rateable property in the said Municipality during the currency of such debentures for payment of the interest and principal of such debentures the respective amounts and payable on the first day of September in the respective years following, that is to say :—

Year.	Principal.	Interest.
1st.....	\$402.98.....	\$480.00
2nd.....	419.10.....	463.88
3rd.....	435.87.....	447.11
4th.....	453.30.....	429.68
5th.....	471.43.....	411.55
6th.....	490.29.....	392.69
7th.....	509.90.....	373.08
8th.....	530.30.....	352.68
9th.....	551.51.....	331.47
10th.....	573.57.....	309.41
11th.....	596.51.....	286.47
12th.....	620.37.....	262.61
13th.....	645.19.....	237.79
14th.....	671.00.....	211.98
15th.....	697.84.....	185.14
16th.....	725.74.....	157.24
17th.....	754.77.....	128.21
18th.....	784.96.....	98.02
19th.....	816.36.....	66.62
20th.....	849.01.....	33.97



5. The votes of the qualified electors of this municipality shall be taken on this by-law by the Deputy Returning Officers hereinafter named, on Friday, the 26th day of August 1898, commencing at the hour of 9 o'clock in the morning and continuing until 5 o'clock in the afternoon at the undermentioned places:—

Ward.	Places.	Returning Officer.
Mountain Ward .....	F. Walker's store.....	P. Boyle.
Canal Ward.....	Town Hall .....	Jas. Reynolds.】
Foundry Ward.....	D. W. Nelson's shop ...	D. W. Nelson.
Valley Ward.....	Wm. Mitson's store.....	W. Mitson.

6. On Wednesday, the 24th day of August, 1898, the Mayor shall attend at the Council chambers at 11 o'clock in the forenoon to appoint persons to attend at the various polling places and at the final summing up by the Town Clerk on behalf of the persons interested in the promoting or opposing the passing of this by-law respectively.

7. The Clerk of the Council of the said Municipality shall attend at his office in the Town Hall in the Town of Dundas at 11 o'clock in the forenoon of Monday, the 29th day of August, 1898, and sum up the number of votes given for and against the by-law.

8. It is the distinct understanding and agreement upon which this by-law is passed, that at no time during the existence of the debenture debt hereby created shall the said Company apply to the said Corporation for any exemption from taxation and it is further distinctly understood and agreed that at no time during the existence of the debenture debt hereby created shall the said firm of John Bertram & Sons employ during nine months in each year, less than a yearly average of 50 men more than the average number of their employees during the past five years has been, and in case the said firm or its successors or assigns or any or either of them fail in carrying out the above provisions or any of the provisions of this by-law, then there shall immediately become due and payable to the said Town of Dundas by the said Company, its successors or assigns whatever balance may at the time of such default remain due and payable by the Corporation either for principal or interest on the debentures hereby authorized to be issued.

9. This by-law shall not come into force until sanctioned by the Legislature of the Province of Ontario.

Dated and passed the 12th day of September, A.D. 1898.

(Sgd.) JAMES MORE,  
Town Clerk.

(Sgd.) M. S. WILSON,  
Chairman.

Corporate Seal.

Agreement to be signed by said Company.

We, for ourselves, our successors and assigns, hereby covenant and agree with the Corporation of the Town of Dundas in all respects to comply with the terms and conditions of the above by-law, and we agree to expend the whole of said sum of \$12,000 in the extension and improvements hereinbefore mentioned.

(Sgd.) JOHN BERTRAM & SONS. (Seal.)

## CHAPTER 47.

## An Act respecting the Village of Exeter.

*Assented to 1st April, 1899.*

## Preamble.

**W**HEREAS certain owners of farm lands in the Village of Exeter have by their petition set forth that their lands have in the past been subjected to unjust and burdensome taxation in respect of certain rates levied by the municipal council of the said village, for electric lighting, fire protection, the construction of sidewalks and other rates, and have prayed that the Legislature might grant relief to such owners of farm lands from such burdensome taxation; and whereas the said municipal council has consented that some adequate and proper relief should be afforded the said owners of said farm lands and have adopted a by-law numbered 8, 1899, which is set forth in full in schedule "A" to this Act, for regulating a fixed rate of taxation for all farm lands in the said village; and whereas the said municipal council of the said Village of Exeter and the said petitioners are desirous that an Act may be passed to confirm the said by-law; and whereas it expedient to grant the prayer of the said petition.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

By-law No. 8  
confirmed.

1. The said by-law No. 8, 1899, of the Municipal Corporation of the Village of Exeter set forth in full in the schedule "A" to this Act is hereby confirmed and declared legal, valid and binding upon the parties owning farm lands as set out in the said by-law and upon the said Village of Exeter notwithstanding anything contained in any law to the contrary.

SCHEDULE

## SCHEDULE A.

BY-LAW No. 8, A.D. 1899.

To provide a fixed rating for lands used as farm lands only, and in blocks of not less than twenty acres within the Village of Exeter, in the County of Huron.

Whereas Albert Ford, Mary McAlpine, Alexander Dow, Thomas Yellow, George Blatchford, Thomas B. Carling, William J. Carling, Isaac R. Carling, Richard Gidley, William Dearing and William Bawden the owners of certain lands in the village of Exeter now held, used and owned by them as farm lands only in blocks of twenty acres and more being composed of parts of lots numbered sixteen (16), seventeen (17), eighteen (18), nineteen (19), twenty (20), and twenty-one (21), in the first concession of the township of Osborne, but now in the said village of Exeter and parts also of lots numbers twenty-one (21), twenty-two (22), twenty-three (23), twenty-four (24) and twenty-five (25), in the first concession of the township of Stephen but now in the said village of Exeter, have applied to the municipal council of the village of Exeter for relief from burdensome taxation in respect of certain rates levied for electric light, fire protection the construction of sidewalks and other rates.

And whereas the said owners of the said lands have agreed with the said municipal council of the said village of Exeter to accept the relief that will be furnished by the Legislative Assembly of the Province of Ontario confirming, if it will, the following by-law which the said municipal council has agreed to adopt for the relief of the said lands and all other lands held, owned and used as farm lands only, in blocks of not less than twenty acres in the said village of Exeter.

Now, therefore, the municipal council of the village of Exeter enacts as follows :—

1. That the said lands of the said owners and all other lands in the said village of Exeter held, owned and used as farm lands only, and in blocks of not less than twenty acres, shall hereafter while used as farm lands only, and in blocks of not less than twenty acres, as aforesaid be rated on the assessed value thereof in manner following that is to say :

- (a) For expenditure for general village purposes not more than three and one-half mills on the dollar.
- (b) For the payment of the present debenture debt or debts of the village the same rate as is required and is from time to time levied upon other village property.
- (c) For expenditure for school purposes the same rate as is required and is from time to time levied upon other village property.
- (d) For county purposes the same rate as is required and is from time to time levied upon other village property.

And that no further or other rate be levied on said lands by the council of the said village of Exeter.

2. That the said lands mentioned in clause 1 hereof shall be wholly exempt from taxation for the payment of any future debenture debt of the village except such as is contracted for school purposes or for the renewal or consolidation of the present existing debenture debt or debts or some part thereof.

3. That the rate hereby given the said lands mentioned in clause 1 hereof shall not be lessened by any of the exemptions mentioned in section 8 of chapter 224 Revised Statutes of Ontario, 1897.

4. That no owner or lessee of any of the lands mentioned in clause 1 hereof shall in respect of such lands have the right to vote upon any by-law for the creating or contracting any future debenture debt except such as is for school purposes or for the renewal or consolidation of the present existing debenture debt or debts or some part thereof as aforesaid.

Provided always that whenever any parts of such lands shall hereafter become divided up and held by owners in parcels less than twenty acres or be not used for farm purposes the parts so divided up or ceasing to be used for farm purposes shall become liable to the general taxation of the village in common with other than farm lands.

This by-law shall come into force immediately upon the confirmation thereof by the Legislative Assembly of the Province of Ontario and shall be thereafter construed as in effect and in force from the beginning of the current year.

The reeve and clerk are hereby authorized to sign a petition to the said Legislature for the confirmation of this by-law.

Read a first time the 3rd day of February, 1899.

Read a second time the 3rd day of February, 1899.

Read a third time and passed the 3rd day of February, 1899.

(S'gd.)	H. SPACKMAN.
	Reeve of the village of Exeter.
(S'gd.)	GEO. H. BISSETT,
	Clerk of the village of Exeter.



## CHAPTER 48.

## An Act respecting the Town of Fort William.

*Assented to 1st April, 1899.*

WHEREAS the Municipal Council of the Town of Fort Wil- Preamble.  
 liam has petitioned praying that an Act may be passed to ratify, confirm and legalize by-law No. 151, intituled " A By-law to authorise the issue of debentures for the construction of municipal waterworks for the Town of Fort William," a copy of which said by-law is contained in schedule " A "; and whereas said by-law has been duly approved and assented to by the ratepayers of the said town who were entitled to vote thereon, and was finally passed by the council of said town on the 20th day of July, 1897; and whereas the system of waterworks mentioned in said by-law has practically been constructed and completed; and whereas considerable monies have been borrowed and paid over on account of the construction of said waterworks by said municipal corporation; and whereas no application has been made to set aside or quash said by-law and there is no action pending whereby the validity thereof is likely to be called in question; and whereas no debentures have been issued under said by-law and cannot now be legally issued in view of the provisions of section 384 of *The Municipal Act*, more than one year having elapsed since the final passing of said by-law; and whereas the said petitioners have prayed for special legislation in respect of the other enactments hereinafter contained; and whereas it is expedient to grant the prayer of the said petition:—

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law No.  
151 confirmed.

1. The said by-law number 151, of the Municipal Corporation of the Town of Fort William, entitled as in the preamble set forth and which said by-law is fully set out in schedule "A" to this Act, is hereby confirmed and declared to be legal, valid and binding to all intents and purposes, and the said municipal corporation is hereby authorized and empowered to issue the debentures mentioned in said by-law, and the debentures to be so issued under said by-law, when issued, shall be legal, valid and binding upon the said Municipal Corporation of the Town of Fort William, and the ratepayers thereof, notwithstanding anything in any Act to the contrary.

Validity of  
elections.

2.—(1) In order to remove any doubts that may exist as to the legality of the election of the members of the municipal council of the Town of Fort William for the year 1899, the said election is hereby declared to be and to have been legal and valid, and the mayor and councillors elected at the said election are declared to constitute and to have constituted the municipal council of the Corporation of the Town of Fort William for the year 1899 within the meaning of *The Municipal Act*, and the Special Act, 55 Victoria, chapter 70, relating to the incorporation of the said town.

(2) Save as provided by subsection 1 of this section, it is hereby declared that the provisions of *The Municipal Amendment Act, 1898*, in so far as the same are inconsistent with the provisions of the said Special Act, shall not apply to the said town.

Pending  
litigation.

3. This Act shall not affect any pending litigation.

Short title.

4. This Act shall be cited as *An Act respecting the Town of Fort William, 1899*.

## SCHEDULE A.

By-law No. 151, to authorise the issue of debentures for the construction of municipal waterworks for the town of Fort William.

Whereas the council of the corporation of the town of Fort William deem it expedient and necessary to raise the sum of thirty-five thousand dollars for the said purpose by the issue of debentures to that amount—said debentures to bear interest at the rate of five per cent. per annum and be redeemable in thirty years from the date hereof.

And whereas it will require the sum of seventeen hundred and fifty dollars to be raised annually by a special rate for the payment of the interest during the currency of the said debentures and also the sum of six hundred dollars to be raised annually by the creation of a sinking fund for the payment of the principal, the two sums amounting together to twenty-three hundred and fifty dollars to be raised as an annual rate.

And whereas, the amount of the whole rateable property of the town of Fort William according to the last revised assessment amounts to nine hundred thousand five hundred and sixty-five dollars and fifty cents.

And whereas the existing debenture debt, (exclusive of local improvement debentures) amounts to one hundred and five thousand two hundred and ninety-five dollars and twenty-two cents, and no principal or interest is in arrears.

Therefore the municipal council of the corporation of the town of Fort William enacts as follows :—

1st. That a system of waterworks with all necessary buildings, materials and machinery and appurtenances thereto belonging be constructed and built in the said town of Fort William.

2nd. That for the purpose aforesaid it shall and may be lawful for the municipal council of the corporation of the town of Fort William to borrow the said sum of thirty-five thousand dollars and to issue the debentures of the said corporation to the amount of thirty-five thousand dollars in sums of not less than one hundred dollars each payable at the end of thirty years from the date on which this by-law takes effect and to bear interest at a rate not exceeding five per cent. per annum payable half yearly on the first day of February and August in each and every year during the currency of the said debentures.

3rd. The said debentures as to principal and interest shall be payable at the bank of Montreal at Fort William or at the office of the treasurer of the town of Fort William.

4th. It shall be lawful for the mayor of the said corporation and he is hereby authorised and instructed to sign and issue the said debentures hereby authorised to be issued and to cause the same and the interest coupons thereto attached to be signed by the treasurer of the said corporation, and the clerk of the said corporation is hereby authorised to attach the seal of the said corporation to the said debentures.

5th. There shall be raised and levied annually by a special levy on all rateable property the sum of seventeen hundred and fifty dollars for the payment of interest during the currency of the said debentures and also the sum of six hundred dollars for the payment of the said debt.

6th. That the sum of thirty-five thousand dollars so raised upon the credit of the said debentures shall be expended in the construction of a municipal waterworks in the town of Fort William.

7th. This by-law shall take effect on the 21st day of July, A.D., 1897.

8th. The votes of the ratepayers of the said municipality shall be taken on

this

this by-law at the following times and places, and by the following deputy returning officers, that is to say, on Friday, the ninth day of July, A.D., 1897, at the hour of nine o'clock in the forenoon and continuing till the hour of five o'clock in the afternoon of the same day.

In ward No. 1 at the house of John W. Robertson, corner of McGillivray and McTavish streets by W. C. Mapledoram, deputy returning officer.

In ward No. 2 at the old council chamber at the corner of Donald and Brodie streets, by James McLaren, deputy returning officer.

In ward No. 3 at the house of Sherman Stevens, corner of Syndicate avenue and Ridgeway street by William Polling, deputy returning officer, and

In ward No. 4 at the court room, Frederica street, by Neil Ward, deputy returning officer.

9th. On Thursday, the 8th day of July, A.D. 1897, the Mayor shall attend at the council chamber at ten o'clock in the forenoon to appoint persons to attend at the various polling places and at the final summing up of the votes by the clerk respectively on behalf of the persons interested in and promoting or opposing the passing of the said by-law.

10th. The clerk of the said council of the said corporation shall attend at the council chamber at the town of Fort William at ten o'clock in the forenoon of Saturday, the 10th day of July, A.D. 1897, and sum up the number of votes for and against the said by-law and that the said by-law shall be finally considered in council on Tuesday, the 20th day of July, A.D. 1897.

(S'gd.) E. S. RUTLEDGE,  
Clerk of the corporation of the town of Fort William.

(S'gd.) JOHN McKELLAR,  
Mayor.

(Corporate Seal.)



## CHAPTER 49.

An Act to authorize the Town of Goderich to borrow  
\$25,000.

*Assented to 1st April, 1899.*

WHEREAS the Municipal Corporation of the Town of Goderich have by their petition represented that in the year 1888 a system of water works and an electric light plant, for the use of the said town, was established and a debt then incurred therefor amounting to the sum of \$54,000, but that owing to unforeseen but necessary changes and enlargements of the original design, a much larger sum has been expended, namely upon the said water works, the sum of \$85,094.46, and upon the said electric light plant, the sum of \$17,948.02, of which said increased expenditure there is at the present time a floating debt owing by the said corporation of \$20,000 and it will require an additional sum of \$5,000 to complete the said water works and electric light plants; and whereas, as appears by the said petition, the total present net debt of the said town, apart from the said floating debt, is the sum of \$134,098.13, against which there are assets of the said town such as the said water works and electric light plants, permanent sewers recently constructed, and parks, public buildings and lands in value largely in excess of the said net debt; and whereas the said corporation have by their said petition prayed that they may be authorized to borrow upon their debentures the sum of \$25,000 to pay the said floating debt, and the said additional sum of \$5,000 required to complete the said water works and electric light plants; and whereas it is expedient to grant the prayer of the said petition.

Therefore,

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Form of  
debentures.

1. It shall be lawful for the said Corporation of the Town of Goderich to raise by way of loan on the credit of the debentures of the said corporation, from any person or persons, body or bodies corporate, the sum of \$25,000, to run for a period not exceeding thirty years from the date of the issue thereof. Coupons shall be attached to the said debentures for the payment of the interest thereon, which shall not exceed four per cent. per annum, and such interest shall be payable yearly on the first day of December in each and every year at the places mentioned therein.

Where payable.

2. The said debentures shall be made payable at such place or places as the municipal council of the said corporation may by by-law direct.

Payment of  
debentures  
and interest.

3. A portion of the said debentures to be issued under this Act shall be made payable in each year for a period not exceeding thirty years from the date of the issue thereof, and so that the aggregate amount payable for principal and interest in any one year shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of the period within which the debt is to be discharged.

Special rate

4. The said corporation shall levy in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the said debentures, hereinbefore authorized, and it shall not be necessary to levy for, or to provide, any sinking fund to retire the said debentures or any of them.

Application of  
debentures.

5. The said debentures and all moneys arising therefrom shall be applied by the said corporation in the repayment of the said floating debt of \$20,000, and in the completion of the water works and electric light plants, and for no other purpose whatsoever.

By-law not to  
be repealed  
until debt  
paid.

6. Any by-law passed under the provisions of this Act shall not be repealed until the debt created thereunder, and the interest thereon shall have been fully paid and satisfied.

Assent of  
electors not  
necessary.

7. It shall not be necessary to obtain the assent of the electors of the said Town of Goderich to the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Municipal Act*.

Rev. Stat.  
c. 223.

8. It shall be the duty of the treasurer from time to time, of the said town, to keep, and it shall be the duty of each of the members, from time to time, of the said municipal council, to procure such treasurer to keep, and see that he does keep, a proper book of account setting forth a full and particular statement, so that the same shall at all times shew the number of debentures which, from time to time, shall be issued under the powers conferred by this Act, and the respective amounts payment of which is thereby secured, and the times at which the said debentures which shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sale or negotiation of the said debentures and the application which shall from time to time be made of the said amounts, and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said town, and of any of the holders from time to time of the debentures which shall be issued under the powers hereby conferred, or of any such debentures.

Books of  
account to be  
kept.

9. Any provisions in *The Municipal Act* which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act, and no irregularity in the form of the said debentures, or any of them authorized to be issued by this Act, or any by law or by-laws authorizing the issue thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest, or any or either of them, or any part thereof, and the purchaser or holder thereof shall not be bound to inquire as to the necessity of passing such by-law or issue of debentures, or as to the application of the proceeds thereof.

Inconsistent  
provisions of  
Rev. Stat.  
c. 223, not to  
apply.

Irregularity  
no defence.

## CHAPTER 50.

An Act respecting the Town of Goderich and the  
Goderich Elevator and Transit Company, Limited.

*Assented to 1st April, 1899.*

## Preamble.

WHEREAS, by the Act, Chapter 41 of 61 Victoria, the Corporation of the Town of Goderich was authorized to aid by way of loan or of bonus or of subscribing and paying for capital stock in a joint stock or other company organized for the purpose of acquiring and managing an elevator at the said town, to an amount not exceeding the sum of \$50,000 ; and whereas, the said the Corporation of the Town of Goderich has, by its petition represented and it appears that, pursuant to the said Statute, a by-law was duly submitted to the ratepayers of the said town and duly voted upon and approved by a large majority, and was finally passed by the council of the said corporation, determining to aid the said elevator company by subscribing for stock in a joint stock company which had meantime been duly incorporated according to the laws of this Province called "The Goderich Elevator and Transit Company, Limited," to erect and manage the said elevator, to the amount of the said sum of \$50,000, and the said corporation did, accordingly, duly subscribe for and become the holder of stock in the capital stock of the said company to the extent of the said sum of \$50,000, upon which the sum of \$40,000 has been fully paid, and the said elevator has also been, since, erected and completed at an expense of \$105,000 and is now in full operation ; and whereas, in and by the said petition, it is further represented, and it appears that it will serve all the purposes of the said the elevator company, and will be to the

interest



interest of the said the Corporation of the Town of Goderich if, instead of the said the Corporation of the Town of Goderich being and continuing to be such stockholder as aforesaid, a guarantee of the bonds or debentures of the said elevator company to the amount of the said sum of \$50,000 and interest thereon not to exceed five per cent. per annum is given by the said the Corporation of the Town of Goderich, such bonds or debentures to form and be a first charge upon the said elevator premises, such aid by way of guarantee to be in lieu of the said subscription for stock and of all other aid by the said the Corporation of the Town of Goderich to the said elevator company. And the said the Corporation of the Town of Goderich by their said petition have prayed to be allowed by special Act to authorize the said proposed guarantee of bonds or debentures to the extent of the said sum of \$50,000 and interest as aforesaid in lieu of all other aid, and in substitution for the said subscription for stock which, upon the said guarantee being given, is to be cancelled and all monies paid thereon refunded to the said the Corporation of the Town of Goderich; and whereas, no opposition has been offered to the said petition; and whereas, it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall be lawful for the Corporation of the said Town of Goderich, by and through its municipal council by and with the consent of The Goderich Elevator and Transit Company, Limited, to enter into and execute all necessary bonds, covenants and agreements under its corporate seal, for the purpose of guaranteeing the due payment of the bonds or debentures of the said The Goderich Elevator and Transit Company, Limited, to the holders of such bonds or debentures to the amount of not more than \$50,000 and the interest thereon at a rate not to exceed five per cent. per annum, payable quarterly, half yearly, or at most yearly, for a period not exceeding twenty years from the date of the issue of such bonds or debentures to the purchaser or purchasers thereof, and such bonds or debentures to be and form a first lien and charge upon the whole lands, buildings and plant of the said The Goderich Elevator and Transit Company, Limited, until fully paid and satisfied.

Authority to enter into lands.

2. The said guarantee may be given and made effective in such form, and subject to such conditions and agreements as may be agreed upon between the said the Corporation of the Town of Goderich and the said The Goderich Elevator and Transit Company, Limited, and the purchaser or purchasers of the said bonds or debentures, so as that the total obligation incurred

Form of guarantee.

or to be incurred by the said the Corporation of the Town of Goderich shall not, in the whole, exceed the said sum of \$50,000 and interest as aforesaid.

Guarantee in  
lieu of stock.

3. The giving of the said guarantee shall be in lieu and satisfaction of the said subscription for stock by the said the Corporation of the Town of Goderich, and upon the said guarantee being executed and perfected, the said subscription for stock shall be absolutely cancelled and at an end, and all liability arising from or by reason of the said subscription for stock in the said elevator company by the said the Corporation of the Town of Goderich shall thereupon at once cease as if the said subscription for stock had never been made, and the said The Goderich Elevator and Transit Company, Limited, shall forthwith thereafter repay to the said the Corporation of the Town of Goderich all monies paid upon calls or otherwise upon said stock subscription and interest thereon from the date of each payment at the rate of five per cent. per annum until such repayment as aforesaid.

Provisions for  
securing guar-  
antee.

4. It shall and may be lawful for the said the Corporation of the Town of Goderich to take and hold an insurance policy or insurance policies or such other or additional security by way of mortgage upon lands or upon chattels or otherwise, as it may be advised to secure and protect the liability to be incurred by reason of the said guarantee, and as may be agreed upon by and between the said the Corporation of the Town of Goderich and the said The Goderich Elevator and Transit Company, Limited, and upon default to pursue all such remedies by suit or otherwise upon such securities, and each and any of them as could be adopted by any lawful holder of similar securities, including such right as an encumbrancer upon lands, may legally have and exercise in case of fire, to have the insurance monies applied in or towards rebuilding.

Appointment  
of director by  
municipality.

5. It shall be lawful for the municipal council of the said the Corporation of the Town of Goderich, so long as the said guarantee is in force to appoint out of the members of the said council one director to sit and vote and act with the directors appointed by the shareholders of the said The Goderich Elevator and Transit Company, Limited, who shall have all the powers and privileges of an ordinary director of the said company; such appointment may be made at any regular meeting of the said council by resolution or by-law, and when made shall continue for one year unless in case of the death, removal, resignation or refusal to act of the director so appointed, in any of which events a new director may be, from time to time and as often as necessary, appointed by the said municipal council to fill such or any vacancy, and each appointment of a director shall be duly certified in writing to the said The Goderich Elevator and Transit Company, Limited, by the town clerk under the corporate seal.

## CHAPTER 51.

## An Act respecting the Town of Kincardine.

*Assented to 1st April, 1899.*

WHEREAS the Municipal Corporation of the Town of Kin- Preamble.  
cardine has by petition represented that the said corpora-  
tion has passed a by-law No. 392 intituled "A by-law to provide  
funds for granting to the extent of \$4,000 a bonus by way  
of loan to Robert Hunter and Alexander Hunter of the Town  
of Kincardine, steel bridge manufacturers and builders carrying  
on business in the said Town of Kincardine under the name  
style and firm of "Hunter Bros." for the purpose of enabling  
them to extend and increase their business of manufacturing  
and erecting steel bridges, and to increase their plant for such  
purposes and to aid them in their said manufacturing enterprise  
in the said Town of Kincardine and to authorize the issue of  
debentures therefor"; wherein it was enacted that the said cor-  
poration might aid and assist Messrs. Hunter Bros., steel bridge  
manufacturers, by lending them the sum of \$4,000 to enable  
the said firm to extend and increase their said business for the  
manufacturing of steel bridges on certain conditions mentioned  
in said by-law, said loan to be repayable in ten years from the  
first day of January, 1899; and whereas it is further  
represented that there is no other similar industry estab-  
lished within the limits of the said corporation; and whereas  
the said by-law was submitted to a vote of the ratepayers  
entitled to vote on money by-laws as provided by *The Muni-  
cipal Act*, and 159 of the ratepayers qualified to vote as afore-  
said voted in favour of the said by-law being a majority of  
those qualified and who did vote on such by-law; and  
whereas it appears that the number of ratepayers voting in

the

the affirmative on the said by-law was less than two-thirds of the qualified ratepayers as was required by the repealed provisions of *The Municipal Amendment Act of 1888*, respecting by-laws for granting aid to industrial enterprises; but in all other respects the said by-law is within the terms of the said repealed provisions; and whereas the corporation has prayed that the said by-law may be confirmed and that the agreement entered into by the said Hunter Bros. for the performance of the conditions of the said by-law may be declared legal and valid; and whereas, subject to the provisions of this Act, it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law No.  
392 confirmed.

1. Subject to the proviso contained in the second subsection hereof, the said by-law No. 392 of the Corporation of the Town of Kincardine intituled as in the preamble to this Act and set out in Schedule B to this Act, is hereby confirmed and declared to be valid and binding upon the said municipality from the time of the passing thereof to all intents and purposes notwithstanding any want of power or jurisdiction in the said municipal council to pass the said by-law, and notwithstanding any defect in substance or in form of the said by-law or in the manner of passing the same, and the said corporation is declared to have been authorized by said by-law No. 392 to grant aid by way of loan to the said Messrs. Hunter Bros. therein mentioned to the extent of \$4,000 repayable in ten years from the first day of January, 1899, or repayable sooner than that time as is provided for and in pursuance of the terms of the said by-law, and the said agreement set out in Schedule A to this Act is declared to be valid and binding and all acts done or to be done and all payments made or to be made by the said corporation pursuant to the said by-law No. 392 are hereby declared to be valid and binding, anything in any Act to the contrary notwithstanding.

By-law to be  
again sub-  
mitted to rate-  
payers.

(2) Provided, however, that notwithstanding anything in this Act contained, subsection 1 of this section shall not become operative or take effect unless and until the said by-law shall be again submitted to a vote of the ratepayers entitled to vote on money by-laws as provided by *The Municipal Act* and be approved by the vote in the affirmative of not less than two-thirds of the said ratepayers who are entitled to vote on money by-laws as aforesaid.

(3) Provided further that the notice of taking the vote of the ratepayers to be published as provided by *The Municipal Act* instead of setting forth the by-law in full shall be sufficient for all purposes if setting forth the number and title of said by-law.



## SCHEDULE A.

THIS AGREEMENT made (in duplicate) the eighth day of December. in the year of our Lord one thousand eight hundred and ninety-eight, between Robert Hunter and Alexander Hunter, both of the town of Kincardine in the county of Bruce, carrying on business as steel bridge manufacturers at said town, in co-partnership and under the name and style and firm of "Hunter Bros" (hereinafter called "Hunter Bros.") of the first part, and the corporation of the town of Kincardine (hereinafter called "The Corporation") of the second part.

Whereas the said Hunter Bros. are engaged in manufacturing steel bridges within the said town of Kincardine and are desirous of increasing and extending their said manufacturing industry and to increase the number of mechanics and others in their employ in said business and they have applied to the municipal council of the corporation for a loan of the sum of \$4,000 for a term of ten years without interest to be repayable in ten years as is hereinafter mentioned, and to be secured by a mortgage on the lands, buildings, machinery and other plant of the said Hunter Bros., as is hereinafter provided.

And whereas the said council have agreed to submit to the ratepayers of the said municipality for their assent a by-law to enable the corporation to issue debentures for said sum of \$4,000 and to loan the same to said Hunter Bros for the said period and for the purposes and on the conditions in said by-law mentioned, and should said by-law be assented to by a majority of the ratepayers of said municipality, entitled to and voting thereon, and afterwards confirmed and made valid by an Act of the Legislative Assembly of the Province of Ontario, that the said corporation would raise said sum by issuing debentures therefor and would loan the same to the said Hunter Bros. on the terms and conditions herein and in said by-law set forth.

Now this agreement witnesseth that the said Hunter Bros. for themselves, their executors, administrators and assigns do in consideration of the premises, covenant promise and agree with the said corporation, their successors and assigns, that they the said Hunter Bros., will, on the said loan being granted them by said corporation repay the same in ten years from the first day of January, 1899, as follows. in ten equal consecutive annual instalments of \$400 each, payable on the first day of January in each of the ten years next immediately succeeding the first day of January, 1899, the first of said annual payments to be paid on the first day of January, 1900, and that they the said Hunter Bros. will secure the repayment of said loan by a first mortgage (which shall be free of dower and encumbrance) on lot eight (8) a sub-division of lot eight (8) on the north side of Durham Street in the said town of Kincardine, and all other the lands, buildings, machinery and other plant owned by them, as also on any additional or other machinery or plant which at any time during the currency of said loan may be by them purchased or brought into said business or placed in said buildings or on said premises or which may be substituted for or replace any of the machinery or plant now or hereafter in use by them, and that said mortgage on said lands, buildings and fixtures shall be made in pursuance of *The Act respecting Short Forms of Mortgages*, and that the said mortgage on the said lands, buildings, machinery and other plant shall contain all the respective covenants, conditions and stipulations as is in the said by-law provided and directed to be inserted therein respectively.

And the said Hunter Bros. do further covenant, promise and agree with the said corporation that all the said moneys to be loaned them as aforesaid shall be paid, laid out and wholly expended by them in their said manufacturing business, and that no part or portion of the same shall

be

be applied, used or expended except in their said business as carried on by them within the said municipality.

And the said Hunter Bros., or their executors, administrators or successors in said business or their assigns, shall continuously and in each and every year during the currency of said loan keep employed in their said manufacturing business within said municipality at least ten competent men (exclusive of any member or members of the said firm of Hunter Bros., or of any firm or persons, partner or partners who may succeed them in carrying on said business, or who may at any time during said term enter into co-partnership with the said Hunter Bros., or any person or firm who may at any time during such period as aforesaid become a partner in said business) and that they will in each and every year of said term of ten years pay out in wages to competent men employed by them in carrying on said manufacturing business the yearly sum of at least \$5,000 and that they will at the expiration of each and every year of said term of years and on or before the fifteenth day of January in each of the ten years immediately following the fifteenth day of January, 1899, and commencing on the fifteenth day of January, 1900, prepare and deliver to the Mayor of the said corporation a detailed statement or account of the wages actually paid out by them during the preceding year ending on the thirty-first day of December, showing the name or names of each man person or employee to whom wages have been paid during the year, and will verify said statement or account by a proper statutory declaration to be made by one of the members of the firm or their book-keeper or the person employed by them in keeping the account of the wages paid during each of the said years, and will, if required so to do by the resolution of the municipal council of the said corporation submit to the committee or person or persons appointed by them, whether members of said council or not, all or any of their books and accounts containing any entry or entries, statement or account of wages paid by them in any one or more years, and all vouchers, receipts or statements for or relating to such wages or payment of same, and it is expressly covenanted and agreed between said parties hereto that in the event of the failure or neglect of the said Hunter Bros., their executors or administrators or their successors or the persons for the time being carrying on or conducting said business, to comply with this agreement in any one year whether such annual verified statement has been asked for or required or not, or in the event of their neglect (after being required by the corporation) to submit their said books, accounts, vouchers, receipts and statements for inspection for the purpose aforesaid, or if on or after such inspection it be found that, or it should from the verified statements furnished by the said Hunter Bros., or any other person who ought to deliver the same, appear in any one year of said term, that the wages paid out to competent men as aforesaid during the year for which such statement is furnished is less than the sum of \$5,000 for the year, then and in either or any such event the corporation shall have the right to call in all the unpaid principal money, and the whole principal remaining unpaid shall then become payable, but the corporation may waive their right to call in the principal upon the happening of any such default and shall not be therefore debarred from asserting and exercising their right to call in the said unpaid principal on the happening of any such future default or breach of this agreement. And further, that the several conditions, provisions and stipulations in this agreement shall be embodied in and form part of the mortgage securities to be given by the said Hunter Bros. as is provided for in said by-law.

In witness whereof the said Messrs. Hunter Bros. have hereto set their hand and seals, and the said corporation have affixed their corporate seal attested by the hand of their Mayor the day and year first above written.

Signed, sealed and delivered in the presence of (Sgd.) H. J. D. NAFTL.	} (Sgd.) HUNTER BROS. (Sgd.) D'WITT H. MARTYN, Mayor.	[L.S.]
		[Corporate Seal - of Town.]

SCHEDULE

## SCHEDULE B.

*(By-Law No. 392.)*

A BY-LAW to provide funds for granting to the extent of \$4,000.00 a bonus by way of loan to Robert Hunter and Alexander Hunter of the Town of Kincardine in the County of Bruce, steel bridge manufacturers and builders carrying on business in the said Town of Kincardine under (and in this by-law referred to by) the name style and firm of "Hunter Bros.," for the purpose of enabling them to extend and increase their business of manufacturing and erecting steel bridges and to increase their plant for such purposes and to aid them in their said manufacturing enterprises in the said Town of Kincardine, and to authorize the issue of debentures therefor.

Whereas, the said Hunter Bros. are now engaged in manufacturing steel bridges within the municipality and in erecting the same in different localities, and they are owners in fee of, and their said manufacturing business is situate on Lot Number Eight, being a sub-division of Lot Number Eight on the north side of Durham street in the said Town of Kincardine, and are also owners of a large quantity of machinery and plant used by them in their said business and have laid out and expended large sums of money in the purchase of said lot, the buildings thereon and machinery and plant therein, and they have requested the Municipal Corporation of the said Town of Kincardine to aid and assist them in extending and increasing their said steel bridge manufacturing and building industry and so as to enable them to employ a greater number of mechanics and other workmen in the said business and in increasing their machinery and plant and other facilities for carrying on the said industry in the said Town of Kincardine by granting to them by way of a bonus a loan of the sum of \$4,000 for a term of ten years from the 1st day of January, 1899, without interest, to be repaid by them to the corporation in ten equal, consecutive, annual instalments of \$400 each, payable on the 1st day of January in each of the ten years next immediately succeeding the 1st day of January next, the first of said annual payments to be made on the 1st day of January, 1900, and which loan shall be secured by first mortgages (which shall be free of dower and encumbrances) on the said lands, buildings and machinery and other plant of the said Hunter Bros., and also on any additional or other machinery or plant which at any time while the said mortgages remain unsatisfied be purchased by them and brought into the said business or placed in the said buildings or on the said premises or which may be substituted for or replace any of the machinery or plant now in use by the said Hunter Bros. and which said mortgage on the said real estate and fixtures shall be prepared or made in pursuance of *The Act Respecting Short Forms of Mortgages*, and shall contain a bar of dower (if necessary) and the usual covenants contained in such mortgages, that is to say, for payment, title, right to convey, quiet possession on default, freedom from encumbrance, further assurance, that no act to encumber has been done, for insurance to extent of at least two-thirds the cash value of fixtures and buildings, a release of all claims subject to proviso for repayment, a power of sale on default for three months on one month's notice, that until default mortgagors to have quiet possession; also a provision that if default be made in payment of any part of the principal, interest at five per cent. shall be payable on all arrears from default till payment, that on default of payment of any instalment of principal or any portion of the same for four months the whole of the principal secured by the said mortgage shall become due and payable and that on four months' default of any instalment of principal, or any portion of the same, the corporation may exercise the power of sale without any notice, or may from time to time dis-

train



train for any interest that may be payable on any principal in arrear for a period of over six months and a provision for allowing premature payment off of the mortgage in event of sale. And the said mortgage to be given on the said machinery and plant shall contain the usual full covenants and conditions contained or generally inserted in a Bill of Sale by way of Mortgage, and shall contain a proviso for insuring to the extent of two-thirds the cash value of the said plant and machinery and for renewal and assignment of the policies, and also a condition that until all moneys payable under or secured by the said chattel mortgage be fully paid and satisfied the said machinery and plant shall not, nor shall any part of the same be removed out of the said Town of Kincardine.

And whereas it is also a condition agreed to by the said Hunter Bros. in consideration of the said loan, that they shall continuously keep employed in their said business during the currency of such loan, at least ten competent men (exclusive of the members of the said firm) to whom they shall pay in wages the yearly sum of not less than \$5,000 in cash, which agreement shall be embodied in said mortgage.

And whereas the municipal corporation of the said town of Kincardine have resolved that for the promotion of manufactures within the said municipality it is advisable and expedient that, and they have consented and agreed (subject to the approval of the Legislature of the Province of Ontario) to provide and loan to the said Hunter Bros., on the conditions mentioned in the recitals to this by-law, the said sum of \$4,000 by way of bonus for the purpose of aiding them in extending and increasing their said manufacturing business in the said municipality.

And whereas it will be requisite to raise by a special rate sufficient therefor on all the rateable property in the said municipality, in each of the years 1899, 1900, 1901, 1902, 1903, 1904, 1905, 1906, 1907 and 1908, the sum of \$505.51, for the payment of the said loan of \$4,000 and interest thereon.

And whereas the amount of the whole rateable property of the said municipality, according to the last revised assessment roll, amounts to five hundred and eighty-one thousand five hundred and thirty-eight dollars.

And whereas the existing debenture debt of this municipality amounts to the sum of \$76,372.93, and no principal or interest is in arrear.

Be it therefore, and it is hereby, by the municipal council of the corporation of the town of Kincardine, enacted as follows :

1. That it shall be lawful for the mayor of the said town of Kincardine, and he is hereby authorized, for the purposes aforesaid to borrow the sum of four thousand dollars, and to issue and sign the debentures of the said municipal corporation to the said amount of \$4,000, in sums of not less than \$100 each, and which shall be payable in the manner for the amounts and at the times hereinafter more particularly mentioned, and the clerk of the said municipality is hereby authorized and instructed to attach the seal of the said municipality to the said debentures.

2. The said debentures shall have attached to them coupons for the payment of interest at the rate of four and one half per centum per annum, which coupons shall be signed by the mayor and treasurer of the said town, and shall be made payable yearly on the thirtieth day of December in each and every year during the continuance of the said debentures.

3. The said debentures shall bear date on the ninth day of January, A.D. 1899.

4. The principal and interest on said debentures to be issued under this by-law, shall be payable within ten years from the said time of their issue, and both the said principal and interest shall be payable at the agency or branch of the Merchants Bank of Canada at the said town of Kincardine.



5. The first one of such debentures shall be made payable on the thirtieth day of December, A.D. 1899, and one debenture shall be made payable in each successive year thereafter on each thirtieth day of December, till all of the said debentures and the interest thereon are paid (so that the sum to be raised for principal and interest shall be as nearly as possible equal in each year) and the said debentures shall be payable as follows, that is to say :

YEAR.	INTEREST.	PRINCIPAL.	ANNUAL AMOUNT.
1899 . . . . .	\$180 00	\$325 51	\$505 51
1900 . . . . .	165 35	340 16	505 51
1901 . . . . .	150 04	355 47	505 51
1902 . . . . .	134 04	371 47	505 51
1903 . . . . .	117 33	388 18	505 51
1904 . . . . .	99 86	405 65	505 51
1905 . . . . .	81 60	423 91	505 51
1906 . . . . .	62 53	442 98	505 51
1907 . . . . .	42 59	462 92	505 51
1908 . . . . .	21 76	483 75	505 51

6. There shall be levied and raised annually during the currency of the said debentures, or any of them, on the whole rateable property in the said municipality, by a special rate (over and above all other rates) for the payment of the said sum of four thousand dollars and the interest payable thereon as in the preceding section of this by-law set forth, the sum of five hundred and five dollars and fifty-one cents;

7. This by-law shall take effect on the thirteenth day of January, A.D. 1899.

8. The votes of the electors of the municipality shall be taken on this by-law on Monday, the second day of January, A.D. 1899, commencing at the hour of nine o'clock in the forenoon and continuing until five o'clock in the afternoon of the same day, and at the following places, being the places at which the election of the members of the council of the municipality will be held, and the following named persons shall be respectively deputy returning officers to take the said vote, namely :

St. Andrew's ward, at the council chamber in the town hall, Alexander Campbell, deputy returning officer.

St. Patrick's ward, at Carleton & Bayne's office, on west side of Queen street, Alexander Gordon, deputy returning officer.

St. George's ward, in the office adjoining (on the north side) George Bissett's brick block, on the west side of Queen street, owned by W. W. Davey, James H. Fleming, deputy returning officer.

St. John's ward, in Mrs. Culbert's building, formerly known as the Albion hotel, on the east side of Queen street, John Scott, deputy returning officer.

9. On Monday, the twenty-sixth day of December, A.D. 1898, the mayor of the said town shall attend at the council chamber in the town hall, at twelve o'clock noon, for the appointment of persons to attend at the different polling places and at the final summing up of the votes by the clerk of the said town respectively, on behalf of the persons interested in and promoting or opposing the passing of the said by-law.

10. The clerk of the council of the said town of Kincardine shall attend on Tuesday, the third day of January, A.D. 1899, at the hour of twelve o'clock noon, at the said council chamber in the town hall, and sum up the number of votes given for and against this by-law.

Passed in open council this thirteenth day of January, A.D. 1899.

(Sgd.) D'WITT H. MARTIN, { Corporation }  
Mayor. { Seal. }

(Sgd.) JOHN H. SCOUGALL,  
Town Clerk.

## CHAPTER 52.

An Act to confer Certain Powers on the City  
of Kingston.

*Assented to 1st April, 1899.*

## Preamble.

WHEREAS the municipal council of the Corporation of the City of Kingston, has by its petition represented that the continued prosperity of said city is in a large measure dependent upon the retention of the grain trans-shipping trade at the port of the said city, and that, it appeared to the council of the said corporation that the said trade was by reason of the absence of grain storage and elevator facilities at the port of Kingston, being diverted into other routes to the prejudice of the said city and to the serious curtailment of the avenues of employment for the working classes; and whereas, the council of the said corporation did by by-law passed the 28th day of June, 1897, and duly assented to by the qualified electors of the municipality under the provisions of *The Municipal Act* in that behalf grant to the Kingston Elevator and Transit Company the sum of \$25,000 by way of bonus in aid of the erection of a grain elevator at the said City of Kingston; and, whereas it is further represented that the council of the said corporation did by by-law passed the 27th day of September, 1897, and duly assented to by the qualified electors of the municipality under the provisions of *The Municipal Act* in that behalf, grant to the Montreal Transportation Company the sum of \$35,000 by way of bonus in aid of the erection of a grain elevator at the said City of Kingston and to induce the said company to continue to transact at the City of Kingston their business of shipbuilding and ship repairing and the trans-shipment of grain as in said by-law set forth; and whereas by agreements forming a part of the said several  
by laws

by-laws hereinbefore in part recited the said municipal corporation did covenant and agree to and with the said The Kingston Elevator and Transit Company and the Montreal Transportation Company respectively, that the said municipal corporation should by all lawful means endeavor to procure the passage by the Legislative Assembly of an Act enabling the council of the said corporation to exempt the said several elevators and premises from taxation in the same manner and to the same extent as municipal councils may now exempt manufacturing establishments and upon said power to exempt being conferred, the municipal corporation covenanted and agreed to and with the said companies respectively, to exempt the said elevators and premises from taxation (except school taxes and local improvement rates) for a period of ten years and to renew said exemption for a further period of ten years; and whereas, in part induced by the said covenant and agreement of said municipal corporation as to the exemption from municipal taxation, the said The Kingston Elevator and Transit Company and the Montreal Transportation Company have each erected and commenced to operate a grain elevator in the said city; and whereas, it is further represented that Messrs. James Richardson & Sons have erected a grain elevator in the said city and the municipal council of said City of Kingston has agreed with the said Messrs. James Richardson & Sons to exempt the said elevator and premises from municipal taxation (except school taxes and local improvement rates), provided an Act enabling said council to do so is passed by the Legislative Assembly; and whereas, the country at large is interested in the encouragement of enterprises having for their object the facilitating of the carriage of grain and other products from the place of production by way of the great lakes and the River St. Lawrence to the seaboard; and whereas the case of the said city is exceptional by reason of its relation to the great water route from the upper lakes to the sea-board by way of the St. Lawrence River; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall be lawful for the Municipal Council of the City of Kingston by a two-thirds vote of the members thereof to pass a by-law or by-laws exempting the grain elevators and premises now erected in the said city and any grain elevator and premises that may be hereafter erected in the said city, from taxation except as to school taxes and local improvement rates, for any period not longer than ten years and to renew such exemption for a further period not exceeding ten years.

Power to pass by-laws exempting grain elevators from taxation.

2. The power to exempt from taxation hereby granted may be exercised as from the 1st day of January, 1898.

When exemption deemed to commence.

## CHAPTER

## CHAPTER 53.

An Act respecting the City of Kingston and the  
Dominion Cotton Mills Company.*Assented to 1st April, 1899.*

## Preamble.

WHEREAS the Dominion Cotton Mills Company, Limited, by its petition has prayed that an Act may be passed to confirm a by-law of the Corporation of the City of Kingston, and an agreement made pursuant to the terms thereof, partly exempting from municipal taxation the property of the company for a period of twenty years on certain conditions; and whereas the said by-law provided that the provisions thereof were to have no force or effect until the company had entered into an agreement embodying certain conditions set forth in the said by-law; and whereas the company has entered into such agreement and has duly executed the same; and whereas no opposition has been offered to the said petition; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law and  
agreement  
confirmed.

1. By-law No. 705 of the Corporation of the City of Kingston, which is set forth in Schedule A to this Act, and entitled "A by-law to partly exempt from municipal taxation the property of the Dominion Cotton Mills Company, Limited, for a period of twenty years from the 30th day of June, 1901, upon certain conditions," is hereby ratified, confirmed and declared to be valid and within the powers of the said the Corporation of the City of Kingston, and to be binding upon the said city, and

the



the agreement set forth in Schedule B to this Act is hereby confirmed and declared to be binding upon the respective parties thereto.

## SCHEDULE A.

(Section 1.)

BY-LAW No. 705.

A by-law to partly exempt from municipal taxation the property of the Dominion Cotton Mills Company (Limited) for a period of twenty years from the 30th day of June, 1901, upon certain conditions.

Passed Monday 24th October, 1898.

Whereas the Dominion Cotton Mills Company, Limited, has for a number of years operated cotton mills in various provinces in Canada, and amongst such mills has operated a cotton mill in the city of Kingston.

And whereas owing to the improvements which have of late years been made in cotton machinery and in the processes of making cotton cloth it is not in the interests of the said company to continue operating the said mill at Kingston unless the same be considerably enlarged, its capacity increased and its machinery replaced with modern machinery.

And whereas it is expedient to encourage the continuance of the company's mill in this city, and negotiations between the company and the corporation have resulted in the company agreeing to remodel and continue to operate its mill in this city, provided exemption of its property from taxation as hereinafter provided for be granted.

And whereas it is expedient to grant the said exemption and to pass this by-law.

Be it therefore enacted by the council of the corporation of the city of Kingston as follows :—

1. The property, real and personal, of the Dominion Cotton Mills Company (Limited) in the city of Kingston, necessarily and properly held by the said company for the purpose of its said mill in the said city and all additions and improvements thereto over and above three per cent of the assessed value thereof in each year shall be and the same is hereby declared to be exempt from municipal taxation (except school taxes and rates for local improvement works) for and during the period of twenty years from and after the thirtieth day of June, 1901, provided always that no part of the said property shall at any time be exempt from the payment of school taxes or rates for local improvement works to which it is or may be assessed or which may be imposed thereon during the said period of twenty years, provided further that the exemption from taxes hereby granted shall not apply to any residential property owned by the company, and provided further that the exemption from taxation hereby granted is given upon the conditions following, that is to say :—

“Sub-section”

(1) That the company shall forthwith proceed to remodel and enlarge the capacity of its mill at Kingston, and shall also provide and install in the mill new power plant of modern type and sufficient to operate the said mill as remodelled and enlarged to its fullest capacity.

(2) That the remodelling and enlargement of the said mill and the erection of any additional buildings necessitated thereby shall be commenced not later than the first day of April, 1899, and shall be fully completed so that the mill as remodelled shall be in full running order by the thirtieth day of June, 1901.

(3)

(3) That the company shall keep its said mill running or working full time on every lawful day during the said period of twenty years as a cotton mill and manufactory, excepting during the time or times the same is necessarily stopped for repairs to the same or renewals of machinery or for making such changes as will increase the efficiency of the said mill, but such stoppages are not to exceed six weeks altogether in any year of the said period and such stoppages are not to affect the average weekly payment of wages in any year of the said period as hereinafter provided.

(4) That the company shall keep employed such a number of hands or persons in its said mill during the said period of twenty years that its weekly payment of wages to the said hands or persons so employed will average during each year of the said period not less than the sum of eight hundred dollars per week, of which expenditure evidence shall be furnished by the company to the corporation at any time or times during the said period it may be required or demanded by the corporation and in such manner as the corporation may desire.

(5) That the city treasurer of the corporation shall from time to time and at all reasonable times during the said period of twenty years have access to the pay rolls and books of account of the company and some other person to be nominated by the council of the corporation shall from time to time and at all reasonable times during the said period of twenty years have access to the buildings, premises and works of the company for the purpose of determining whether the agreement on the part of the company is being fully performed, and the company, its servants, agents and workmen shall by all means in their power facilitate and assist the said city treasurer and such other person so appointed in making their said enquiries and in determining whether the agreement is being fully performed, and the said city treasurer and such other person shall report to the council of the corporation at least once a year during the said period of twenty years

(6) That the company shall during the said period of twenty years pay its school taxes and rates for local improvement works in full.

(7) That the company shall enter into and duly execute an agreement with the corporation to the effect of the foregoing conditions containing proper covenants, such agreement to be to the satisfaction of the solicitor of the corporation.

(8) That the company shall pay to the corporation all costs and expenses incurred by it in procuring the ratification of this by-law by the Legislative Assembly of the Province of Ontario.

2. Upon the failure or default of the company to perform, fulfil, observe and keep any or either of the said above conditions the exemption from taxation hereby granted to the company shall forthwith become forfeited and shall cease and be determined, and the taxes on the whole of the property of the company in the said city according to its full assessed value in each year respectively shall from the date of such failure or default from thenceforth be paid by the company to and be collectible by the corporation, provided that the taxes for the year in which such failure or default shall occur shall be apportioned and the proportion thereof from the date of such failure or default to the end of the said year shall be the amount of such taxes payable and collectible for that year.

3. The said exemption from taxation hereby granted to the company shall also become forfeited and cease and be determined if and from the time the company shall become insolvent or make an assignment for the benefit of its creditors, or shall have its property real or personal sold under execution or shall abandon the business in this city of carrying on at the said mill the manufacture of cotton yarn or cloth, or shall cease to pay less than the said average sum of eight hundred dollars per week in wages without the leave of the council of the corporation first being had and obtained.

4. An application shall be made to the Legislative Assembly of the Province of Ontario at its next session for an Act confirming this by-law and the said agreement, and the corporation will give its consent and use all lawful means to secure the passage of the said Act.

5. This by-law shall have no force or effect until the agreement above mentioned in sub-section 7 of section 1 of this by-law has been entered into by the company and the corporation as aforesaid, but upon this having been done this by-law shall come into force and take effect.

6. Nothing in this by-law contained shall affect or prejudice the exemption heretofore granted to the company by by-law number 408 (1892) of this corporation.

(Signed) C. LIVINGSTON,

Mayor.

(Signed) W. M. DRENNAN,

City Clerk.

---

## SCHEDULE B.

### *(Section 1.)*

This agreement made the 26th day of October, A.D. 1898, between the Dominion Cotton Mills Company, Limited, hereinafter referred to as the "Company," of the first part, and the corporation of the City of Kingston, hereinafter referred to as the "City," of the second part.

Whereas the company has for a period of years operated cotton mills in various provinces of Canada, and amongst such mills has operated a cotton mill in the City of Kingston.

And whereas owing to improvements which have of late years been made in cotton machinery and in the processes of making cotton cloth it is not in the interests of the company to continue operating the said mill at Kingston unless the same be considerably enlarged, its capacity increased and its machinery replaced with modern machinery.

And whereas it is expedient to encourage the continuance of the company's mill at Kingston, and negotiations between the company and the corporation have resulted in the company agreeing to remodel and continue to operate its mill in Kingston, provided exemption of its property from taxation be granted for and during a period of twenty years, from the thirtieth day of June, 1901.

And whereas the corporation has agreed to grant the said exemption, and a by-law of the council of the corporation has been passed, a copy of which is hereunto annexed.

And whereas this agreement has been entered into in compliance with the terms of the said by-law.

Now this agreement witnesseth that in consideration of the premises and with a view to complying with the provisions of the said by-law, the parties hereto covenant the one with the other in manner following, that is to say :

1. The exemption from taxation of the company's real and personal property for and during a period of twenty years from and after the thirtieth day of June, 1901, provided for in the said by-law, shall be granted by the corporation to the company subject to all the provisos and conditions set forth in the said by-law.

2. The company shall fulfil, observe and perform all the conditions set forth in the said by-law and therein expressed as those upon which the said exemption is granted.

3. The company agrees that in the event of its not fully complying with the said provisions and conditions that it will submit to pay and pay the taxes upon its property in Kingston, referred to in such by-law, in the manner provided for in such by-law.

In witness whereof the seals of the company and the city respectively are hereto affixed, and the signatures of the president of the company and the mayor of the city respectively are hereto affixed this 26th day of October, A.D. 1898.

Witness :	}	THE DOMINION COTTON MILLS Co.,	
		LIMITED.	
“HERBERT J. J. MOLSON.”		(Sgd.) A. F. GAULT,	[Seal.]
		President.	
“W. M. DRENNAN,”	}	(Sgd.) C. LIVINGSTONE,	[Seal.]
City Clerk.		Mayor.	



## CHAPTER 54.

An Act to consolidate the debt of the Town of  
Leamington.*Assented to 1st April, 1899.*

WHEREAS the Municipal Corporation of the Town of Leam-  
ington by petition has represented that debts and liabilities have been incurred by the said corporation in the erection of school buildings, in the putting in of a waterworks system, in the purchase of a natural gas supply system and in other public improvements, for which debentures of the said corporation have from time to time been issued, and that there is still due in respect to the said debentures the sum of \$86,580; and whereas the payment of the said debentures as they become due is unduly oppressive to the ratepayers of the said town; and whereas in addition to the said debenture debt the said corporation is further indebted in a floating debt to the amount of \$14,100 incurred mainly by reason of insufficient amounts being raised by by-laws of the said corporation for public improvements and being also in part the result of other necessary and unforeseen expenditures; and whereas the said corporation by petition has prayed that the said debts and liabilities secured by the said debentures and also those unsecured as aforesaid may be consolidated and that the said corporation may be authorized to issue debentures for that purpose; and whereas it is alleged that the said corporation derives a revenue from the natural gas system owned and operated by the said corporation; and whereas the said corporation is desirous of devoting the surplus of the said revenue after payment of the operating expenses to the payment of the existing debentures and to the payment of the debentures of the said corporation

which

which may hereafter be issued; and whereas the said corporation by the said petition has prayed that the said corporation may be authorized to so devote the revenue derived from their said natural gas system or any part thereof; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Authority to  
borrow  
\$108,400.

1. It shall be lawful for the said Corporation of the Town of Leamington from time to time to pass a by-law or by-laws providing for the issue of debentures under its corporate seal, signed by the mayor and countersigned by the treasurer, for the time being, for such sums of not less than \$100 each and not exceeding in the whole the sum of \$108,400, as the said council of the said corporation may from time to time direct, and the principal sum secured by the said debentures, and the interest accruing thereon, may be made payable either in this Province or in Great Britain or elsewhere.

Payment of  
interest and  
debentures.

2. The said debentures shall be made payable at such period not exceeding twenty years from the date thereof as the said council may direct. Coupons shall be attached to the said debentures for the payment of the interest thereon, and such interest shall be payable at such rate not exceeding four per centum per annum as the said council shall direct, and shall be payable yearly.

Assent of  
electors not  
necessary.

3. It shall not be necessary to obtain the assent of the electors of the said town to the issue of the said debentures or to the passing of any by-law directing the issue of the same, or to observe the formalities in relation thereto prescribed by *The Municipal Act*.

Rev. Stat.  
c. 223.

Irregularity  
in form not to  
invalidate.

4. No irregularity in the form either of the said debentures or of any by-law authorizing the issuing thereof shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures, and interest, or any or either of them or any part thereof.

When pay-  
able.

5. A portion of the said debentures to be issued under this Act shall be made payable in each year for a period not exceeding twenty years from the date of the said by-law or by-laws, and so that the aggregate amount payable for principal and interest in any one year under any by-law shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of the period within which the debentures issued by virtue of such by-law are to be discharged.

6. The treasurer of the corporation may, on receiving instructions from the council so to do, from time to time, but only with the consent of the holders thereof, call in any one or more of the outstanding debentures and shall discharge the same with the funds raised under the preceding sections of this Act, or may with the like consent, substitute therefor the said debentures or any of them hereinbefore authorized to be issued upon such terms as may be agreed upon between the said council and the said holders of the said outstanding debentures.

7. It shall be the duty of the treasurer, from time to time, of the said town to keep, and it shall be the duty of each of the members from time to time, of the said municipal council, to procure such treasurer to keep, and see that he does keep, a proper book of account setting forth a full and particular statement, so that the same shall at all times show the number of debentures which from time to time shall be issued under the powers conferred by this Act, and the respective amounts payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sales or negotiation of the said debentures, and the application which shall from time to time be made of the said amounts, and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said town, and of any of the holders, from time to time, of the said debentures which shall be issued under the powers hereby conferred, or of any such debentures.

8. The said corporation shall devote the revenue derived from its natural gas system after payment of the operating expenses of the system and the expense of keeping up the supply of natural gas to the payment and retiring of the outstanding debentures of the corporation and the interest thereon, as the same fall due, and in payment of the debentures and the interest thereon, issued under the powers hereinbefore conferred.

9. The said corporation shall in addition to all other rates to be levied in each year, levy a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act; provided, however, if the council of the said corporation deem it advisable to devote in any year any portion of the revenue derived from its natural gas system, in payment of the said amount of principal and interest falling due in that year, it shall be necessary for the said corporation to levy such a said special rate as shall be sufficient to raise merely the balance of the said amount of principal and interest, falling

due in that year, after deducting from the said amount of principal and interest such portion of said revenue so applied.

Application of  
proceeds of  
debentures.

10. The said council may, for the purpose aforesaid, raise money by the sale or hypothecation of the said debentures from time to time as they may deem expedient, and all moneys derived from such sale or hypothecation shall be applied towards the payment of the said debts and for no other purpose whatever, and no by-law or resolution of the said council shall be any protection to the treasurer of the said corporation in applying the said moneys in any other manner.

Form of  
debenture  
and by-law.

11. The debentures issued under this Act may be in the form contained in Schedule A to this Act, and the by-law or by-laws authorizing the same may be in the form of Schedule B to this Act.

## SCHEDULE A.

### PROVINCE OF ONTARIO, TOWN OF LEAMINGTON.

Debenture	No.
Under and by virtue of the Act to consolidate the debt of the Town of Leamington, being Chapter                      of the Statutes of Ontario, 62 Victoria, and by virtue of By-law No.                      of the corporation of the Town of Leamington, passed under the provisions contained under the said Act, the Corporation of the Town of Leamington promises to pay to the bearer	
at                      in the                      the sum of                      on the	
day of                      one thousand                      and                      the yearly coupons	
for interest thereon hereto attached as the same shall severally become due.	

Dated at Leamington in the County of Essex this                      day of  
A.D. 18                     

L.S.

Mayor.

Treasurer.

## SCHEDULE B.

By-law No.                      to authorize the issue of debentures under the authority of the Act to consolidate the debt of the Town of Leamington, being Chapter                      of the Statutes of Ontario, 62 Victoria.

Whereas the said Act authorizes the issue of debentures as therein mentioned not exceeding the sum of \$108,400 as therein provided as the corporation of the Town of Leamington may, in pursuance of, and in conformity with, the provisions of the said Act direct.

And whereas for the purposes mentioned in the said Act it is necessary and expedient to issue debentures to the extent of \$                      payable on the                      day of                      with interest thereon at the rate of                      per cent. per annum, payable yearly according to the coupons to the said debentures attached.

And whereas the amount of the whole rateable property of the said Town of Leamington, according to the last revised assessment roll of the said Town, being for the year one thousand                      hundred was \$                     

Therefore



Therefore the Municipal Corporation of the Town of Leamington hereby enacts as follows :—

1. The debentures under the said Act, and for the purpose therein mentioned, to the extent of the sum of \$                      are hereby authorized and directed to be issued.

2. The said debentures shall have coupons thereto attached for the payment of interest at the rate of                      per cent. per annum, payable yearly on the                      day of                      in each year.

This by-law passed in open council this                      day of                      A.D.

Mayor.

(Seal.)

Clerk.

## CHAPTER 55.

## An Act respecting the Town of Lindsay.

*Assented to 1st April, 1899.*

## Preamble.

WHEREAS the Municipal Corporation of the Town of Lindsay has by petition, represented that the said corporation has passed a by-law No. 818, entitled "A By-law to authorize the loan of \$20,000 to Richard Sylvester, upon mortgage, and to authorize the issue of debentures to raise said loan," which said by-law is set forth in full in schedule A hereto, and the said by-law was submitted to a vote of the ratepayers entitled to vote on money by-laws, as provided for by *The Municipal Act*, when two-thirds of the said ratepayers voted in favour thereof; that the said Richard Sylvester carries on a large business in the Town of Lindsay as a manufacturer of agricultural implements, under the name, style and firm of Sylvester Bros. Manufacturing Company, and employs about one hundred hands, a large part of the output of his factory being sold in the Province of Manitoba; and whereas it appears that the said Sylvester has never received any assistance from the town by way of bonus or loan, and there is no other similar manufactory in the town; and whereas it is urged that it is necessary for him to obtain the said loan so as to enable him to enlarge and remodel his factory and to continue to employ the said number of men, and that it would be very detrimental to the town if the number of hands were reduced, as there is no other work in the town at which they could obtain employment; and whereas the said corporation has also by the said petition, shewn that Messrs. Rider and Kitchener have agreed to establish a veneer and excelsior factory in the Town of Lindsay, and employ an average of twenty-

five hands each year, providing the corporation grants them a bonus of \$2,000 towards the purchase of a site and necessary conveniences, and grants them fire protection and exemption from taxation for a period of ten years, and that they have entered into an agreement for that purpose, dated 21st of January 1899, which is set forth in full in schedule B hereto; and whereas the question of passing a by-law for said purposes was submitted to a vote of the ratepayers entitled to vote thereon at the last municipal elections, when over two-thirds of the qualified ratepayers voted in favour of passing such a by-law; and whereas it appears that there is no other similar manufactory in the said town; and whereas the said corporation has also, by the said petition, represented that a large number of men are employed in the said town in the saw and shingle mills, that the supply of suitable timber for saw and shingle mills is becoming scarce, and that it is necessary to encourage other manufactories which will use the other classes of timber still left on the waters tributary to the Town of Lindsay, so as to ensure the continuance of employment for the working men in the said town; and whereas the said corporation has, by the said petition, prayed that the said by-law No. 818 may be legalized and approved and declared valid and binding, and that the said agreement with Messrs. Rider and Kitchener may be ratified and confirmed and declared valid and binding, and power given to them to pass all necessary by-laws to carry out the same; and whereas it has been shown that there are no other by-laws in force at the present time in the said town providing for aid by way of bonus to any manufacturing industry; and whereas no opposition has been offered to the said petition; and whereas the case of the Town of Lindsay is, for the reasons aforesaid, exceptional; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said by-law No. 818, of the corporation of the Town of Lindsay, entitled "A By-law to authorize the loan of \$20,000 to Richard Sylvester upon mortgage, and to authorize the issue of debentures to raise said loan," and set out in schedule A to this Act, is hereby confirmed, and declared valid and binding on the corporation from the time of passing thereof, to all intents and purposes, and all acts done or to be done by the said corporation pursuant to the said by-law, are declared to be valid and binding on the corporation, anything in any Act to the contrary notwithstanding. By-law No. 818 confirmed.

2. The said agreement between Messrs. Rider and Kitchener and the Corporation of the Town of Lindsay, dated the 21st of January, Agreement confirmed.

January, 1899, set out in schedule B to this Act, is hereby ratified and confirmed, and declared valid and binding on the parties in the same manner as if set out at length and incorporated in this Act, subject only to be determined as therein provided for, and the said corporation is hereby authorized and empowered to pass all necessary by-laws to carry out the said agreement. Provided however that the assessment for school purposes and the rates payable therefor shall not be affected by the provisions of the said agreement or of this Act.

Authority to  
pass by-law  
creating a  
debt.

Rev. Stat.  
c. 223.

3. It shall be lawful for the Municipal Corporation of the Town of Lindsay to pass a by-law creating a debt of \$2,000 and issuing debentures therefor payable in equal instalments in ten years in accordance with the provisions of section 386 of *The Municipal Act*, for the purpose of raising the money to carry out the said agreement with the said Rider and Kitchener, such by-law to comply with all the requirements of *The Municipal Act* in respect of by-laws creating debts, except that it shall not be necessary for the same to receive the assent of the electors, they having already expressed their approval of the passing of such a by-law.

## SCHEDULE A.

(Section 1.)

### BY-LAW No. 818.

Being a by-law to authorize the loan of \$20,000 to Richard Sylvester upon mortgage and to authorize the issue of debentures to raise said loan.

Whereas it is desirable to loan to Richard Sylvester, of the Town of Lindsay, manufacturer of agricultural implements, the sum of \$20,000 to assist him in making some changes in his business, upon the security of a first mortgage upon his agricultural implement manufactory, and a policy of insurance upon his life for \$10,000 on the terms and conditions hereinafter mentioned.

And whereas for said purpose it is necessary to create a debt to the extent of \$20,000 and to issue debentures therefor in manner herein-after mentioned.

And whereas \$1,800.55 is the total amount required to be raised annually by special rate for the period of fifteen years for paying the said debt and interest thereon at 4 per cent. per annum in instalments according to the terms of this by-law, so that the aggregate amount payable for principal and interest in each year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years for such period.

And whereas the amount of the whole rateable property of the Town of Lindsay according to the last revised assessment roll is \$1,925,575.

And whereas the amount of the existing debenture debt of the Town of Lindsay is \$193,809.40, and there is no part of the principal or interest of the said existing debt in arrear.

Therefore the Municipal Council of the Corporation of the Town of Lindsay enact as follows :



1. That the sum of \$20,000 be loaned to Richard Sylvester of the Town of Lindsay, in the County of Victoria, manufacturer of agricultural implements, to assist him in making some changes in his business, upon the security of a first mortgage upon his agricultural implement manufactory, situated upon the corner of Kent street and Victoria avenue, in the Town of Lindsay, and a policy of insurance upon his life for \$10,000, the said sum, together with interest thereon at the rate of four per cent. per annum, to be repayable in fifteen annual instalments of \$1,800.55 each on the first day of February in each year, the first payment to be made on the first day of February, 1900, the said annual instalments of \$1,800.55, including both principal and interest; the said mortgage, policy of life insurance and assignment thereof, to be in such form and to contain such covenants, provisoes, stipulations and agreements as may be approved of and required by the mayor and town solicitor, and to provide for an insurance upon the buildings and machinery of at least \$15,000, and that the insurance policies shall be made in favour of or assigned to the town.

2. That for the purposes aforesaid it shall be lawful for the mayor of the Town of Lindsay, and he is hereby authorized and required to cause debentures of the said town to be made, executed and issued to the amount of \$20,000, payable in annual instalments on the fifteenth day of February in each year for fifteen years for the following amounts for the following years respectively: 1900, \$1,000; 1901, \$1,000; 1902, \$1,100; 1903, \$1,100; 1904, \$1,200; 1905, \$1,200; 1906, \$1,200; 1907, \$1,300; 1908, \$1,400; 1909, \$1,400; 1910, \$1,500; 1911, \$1,600; 1912, \$1,600; 1913, \$1,600; 1914, \$1,800.

3. The said debentures shall bear interest at the rate of four per cent. per annum, payable yearly on the fifteenth day of February in each year during the currency of the said debentures, and shall have coupons attached for the payment of interest, and the debentures and coupons shall be made payable at the office of the Town Treasurer.

4. There shall be raised and levied in each year for the payment of the said debt and interest and the debentures issued therefor the sum of \$1,800.55 during the currency of the said debt and debentures by a special rate sufficient therefor on all the rateable property in the municipality of the Town of Lindsay. Provided, however, that the moneys payable by the said Richard Sylvester under the said mortgage shall be applied in payment of the said debentures and coupons and it shall not be necessary to levy said rate in any year in which the said Sylvester has made his payment and the town has from that source sufficient money in hand to pay said debentures and coupons coming due that year, and if part is paid then it shall only be necessary to raise the balance by special rate.

5. The said debentures or proceeds thereof shall be paid or delivered to the said Richard Sylvester upon his giving the securities provided for by this by-law and paying all the costs, charges and expenses that the town may incur in connection with the by-law or the loan.

6. This by-law shall come into force and take effect upon the same being legalized and approved of by the Legislature of the Province of Ontario.

7. That the votes of all electors in the Town of Lindsay entitled to vote thereon shall be taken on this by-law on Monday the 24th day of October, A.D. 1898, from nine o'clock in the forenoon until five o'clock in the afternoon of the same day at the following places, and the following shall be the deputy-returning officers to take the votes at the respective places:

North Ward: No. 1. Council Chamber, returning officer Mr. Peter Nicolle; No. 2. Wm. Skitches shop, returning officer Mr. R. G. Corneil; No. 3. A. W. Parkin's office, returning officer Mr. Thomas McKibbin.

South Ward: No. 1. R. Ryans & Co. lumber officer, returning officer Mr. W. T. Robson; No. 2. L. O'Connor's carriage shop, returning officer Mr. A. A. J. Soanes; No. 3. H. Dennis' pump shop, returning officer Mr. Charles O'Leary.

East Ward: No. 1. Grozelle's Shoe Shop, returning officer Mr. Arch. Bradshaw; No. 2. F. Frandell's office, returning officer Mr. John O'Reilly.

8. The twenty-first day of October, A.D. 1898, at the Town Clerk's office in the Town of Lindsay, at ten o'clock in the forenoon is hereby fixed as the time and place for the appointment of persons to attend at the various polling places and at the final summing up of the votes by the clerk respectively, on behalf of persons interested in and promoting or opposing this by-law respectively.

9. The twenty-fifth day of October, A.D. 1898, at the Town Clerk's office in the Town of Lindsay, at twelve o'clock noon, is hereby fixed as the time and place when the clerk of this council shall sum up the number of votes given for and against this by-law respectively.

(Sgd ) R. SMYTHE,  
Presiding officer in absence of Mayor.  
(Sgd.) F. KNOWLSON,  
Clerk.

Passed in Council this 7th day of November, A.D. 1898.

## SCHEDULE B.

THIS INDENTURE dated this twenty-first day of January, in the year of our Lord one thousand eight hundred and ninety-nine, between Henry A. Rider and Andrew D. Kitchener, carrying on business at the Town of Brampton, under the name, style and firm of Rider & Kitchener, as manufacturers of veneer, excelsior, etc., hereinafter called the manufacturers, of the first part, and the corporation of the Town of Lindsay, hereinafter called the corporation, of the second part.

Whereas the said manufacturers have agreed to establish a veneer and excelsior factory in the Town of Lindsay, provided the corporation grant them a bonus of two thousand dollars, and fire protection, and exemption from taxation, which the corporation have agreed to do upon the terms hereinafter mentioned; and whereas pursuant to the resolution of the council of the corporation of the Town of Lindsay, passed on the twenty-third day of December, 1898, the votes of the ratepayers entitled to vote upon a by-law authorizing the creation of a debt of two thousand dollars, and issuing debentures therefor, payable in ten years, was taken on the second day of January, 1899, upon the question whether they were for or against the passing of a by-law granting Messrs. Rider & Kitchener, of Brampton, a bonus of \$2,000 towards the purchase of a site and necessary conveniences for the erection of a veneer and excelsior factory in the Town of Lindsay, and granting fire protection and exemption from taxation upon their said factory and all plant, machinery, appliances and stock used in connection therewith, for a period of ten years, such exemption from taxation to be conditional upon their employing an average of at least twenty-five hands each year, and that they give a mortgage to the town upon their land, factory, buildings, plant and machinery for the amount of the said bonus, \$2,000, subject only to any first mortgage they may put thereon at any time during the ten years, not exceeding \$4,000, and that \$200 of said mortgage for \$2,000 be cancelled and receipted as paid each year that they carry out the terms of their contract until the amount is all wiped out, such \$2,000 bonus to be borrowed by the town on debentures extending over a period of ten years, all the terms and details of the whole transaction to be made satisfactory to the mayor and aldermen, when 618 votes were given for the passing of such a by-law and 131 votes against the same; and whereas all the terms

and

and details of the agreement have been settled between the parties to the satisfaction of the mayor and alderman of the Town of Lindsay, and the same are embodied in this agreement ; and whereas the corporation have agreed to apply to the Legislative Assembly of the Province of Ontario for a special Act ratifying this agreement and giving the town council power to pass the necessary by-law or by-laws to carry the same.

Now this indenture witnesseth that the said parties hereby mutually covenant, promise and agree to and with each other as follows :—

1. The corporation agree to give and grant to the manufacturers a bonus of two thousand dollars towards the purchase of a site and necessary conveniences for the erection of a veneer and excelsior factory in the Town of Lindsay, and fire protection and exemption from taxation upon their said factory and all plant, machinery, appliances and stock used in connection therewith, for a period of ten years on the terms and conditions hereinafter mentioned, and that they will make an application to the Legislative Assembly for the Province of Ontario for a special Act ratifying this agreement and giving the town council power to pass the necessary by-law or by-laws to carry out the same.

2. The manufacturers agree to and with the corporation that in the event of the corporation obtaining said special Act of parliament, they, the manufacturers, will as soon as possible purchase in the Town of Lindsay a suitable site and proceed without delay and erect thereon all necessary buildings (to the value of at least twenty-five hundred dollars) suitable for a factory for the manufacture of veneer and excelsior and such other articles made from wood as will not come into competition with any other articles now manufactured in the Town of Lindsay, and put and place therein all necessary plant and machinery to the value of at least seven thousand dollars, and have the same in good running order and commence the manufacture of veneer and excelsior therein on or before the first day of January, 1900.

3. The manufacturers agree with the corporation that they will carry on the manufacture of veneer and excelsior in the Town of Lindsay in the said factory, or in any other buildings or factory substituted therefor, for the term of ten years from the first day of January, one thousand nine hundred, without interruption, unless in case of loss by fire, or in case of accident to machinery or motor power, or in case of stoppage for necessary repairs and alterations, or on account of strikes, or for any other necessary reason as shall render such interruption unavoidable, and in any such case operations shall be resumed as soon as possible thereafter, not exceeding eight months in case of loss by fire, and not exceeding four months in any other case, and in case any such interruption shall be for a longer period than two months in any year, the factory shall be continued and carried on after the said term of ten years for a period equal to the time of interruption over two months.

4. The manufacturers agree with the corporation that they will for and during the term of ten years from the first day of January, 1900, employ in the said Town of Lindsay, in and about the said manufactory and in connection with the factory business in the said Town of Lindsay, for at least ten months in each year, an average of twenty-five hands, each day of not less than nine hours, of whom eighteen shall be adults, that is, persons over the age of nineteen years, and pay to the hands so employed, exclusive of the manager and book-keeper, at least six thousand dollars in wages in each year ; and they will furnish the corporation on or before the tenth day of January, in each year, with a statutory declaration of a member of the firm, or the manager thereof, or other persons having full knowledge of the facts, showing the names and number of hands employed, and whether adults or not, the time they were employed, and the amount paid for wages during the preceding year, ending on the first day of January : and they will, if required, once in each year exhibit their time-books and pay sheets to such person or persons as the corporation may designate, to enable such person or persons to ascertain whether this  
agreement



agreement has been carried out or not. Nothing herein contained shall render it necessary for the manufacturers to employ the said number of hands during any stoppage or interruption of the business, as in the preceding paragraph of this agreement mentioned.

5. The manufacturers agree with the corporation that they will give the corporation a mortgage for the sum of two thousand dollars, the amount of said bonus, upon their land site, the factory and all buildings erected or to be erected thereon, and all appurtenances thereto, together with all plant, machinery and appliances which may at any time be brought or put thereon which are to be declared to be and form part of the freehold, such mortgage to be conditioned for the repayment of the said sum of two thousand dollars in ten equal annual instalments of two hundred dollars each on the first day of January in each year, the first whereof to become due on the first day of January, 1901, and for the due performance of all the covenants and agreements herein contained on the part of the manufacturers, and shall provide that for every year the manufacturers fulfil and carry out all the covenants and agreements herein contained in their part, they shall be entitled to a credit of two hundred dollars on said mortgage, but if for any two consecutive years they fail to carry out all the covenants and agreements herein contained on their part or any of them then the whole sum of two thousand dollars, or the balance thereof after deducting any amount to which they may be entitled to credit for, shall be at once due and payable, and the corporation shall be absolutely entitled to recover the same, and shall not be required to show that they have sustained that amount, or any damage, the intention being that the manufacturers shall only be entitled to the bonus as the same is earned yearly, and in the meantime it shall be considered as a loan, and in case of any interruption in carrying on the factory by reason of fire, or any of the causes in the third paragraph hereof mentioned, for longer than two months, they shall only be entitled to credit for a proportionate part for that year, and the balance stand over until the end of the term, when it may be earned on the same terms and conditions. The said mortgage shall be subject only to any first mortgage the manufacturers may put on at any time during said term of ten years, not exceeding four thousand dollars, with interest at six per cent. per annum, and shall be in the usual statutory form and contain an insurance clause providing for an insurance on the building, machinery and appliances of fifteen hundred dollars, if that amount can be obtained, over and above any insurance for the benefit of the first mortgagees and shall contain personal covenants on behalf of the manufacturers.

6. The corporation agrees to pay over to the manufacturers the said bonus upon the manufacturers performing their covenants and agreements contained in the second paragraph hereof, and executing and delivering to the corporation the mortgage provided for in clause five hereof. If, however, the manufacturers request them so to do, the corporation agrees, upon the manufacturers purchasing the site for the said factory and executing and delivering to the corporation the mortgage provided for in clause five hereof, to advance to the manufacturers fifty per cent. of the purchase price thereof, and to advance seventy-five per cent. of the value of the buildings fortnightly as the work progresses, not exceeding the amount of the said bonus, the amount of such advances to be determined by the mayor of the Town of Lindsay.

7. The manufacturers undertake and agree to purchase and locate the said factory upon a site within reach of the present fire hydrants and water mains of the waterworks in the Town of Lindsay, if at all possible, but if no such site is available, the corporation are to be consulted and agree to the site, and are to arrange for putting in a fire hydrant or fire hydrants within reach of such factory as shall be necessary to give protection, such agreement to be testified by resolution of the council duly passed. But if the parties cannot agree upon a site and location and number of fire hydrants, the corporation are to be at liberty to determine this agreement. It is also understood that the corporation do not by this agreement bind themselves to give any more fire protection than the other<sup>s</sup>

ratepayers



ratepayers are entitled to, except the putting in of a fire hydrant or fire hydrants as above mentioned, if necessary, and are to be under no more liability than they are to the ordinary ratepayers of the town.

8. Provided the said manufacturers carry out their covenants and agreements contained in paragraph four hereof, the manufacturers' said site and factory and all plant, machinery, appliances and stock used in connection therewith shall be exempt from all municipal taxes, except school taxes, for a period of ten years, from the first day of January, 1900, and the school taxes shall also during said period, provided the legislature approves thereof, be paid upon a basis of an assessment of fifteen hundred dollars, all said property to be assessed each year in the usual way at the proper valuation thereof, and the council are each year, if the said covenants and agreements have been carried out, to give the necessary directions to the town treasurer to write off the taxes, and in case of any dispute as to whether the manufacturers are entitled to the exemption, the question may, in addition to all other methods of deciding the same, be determined in a summary manner by either of the county judges upon the application of either party.

9. That if any part of the manufacturers' said factory or lands, buildings, plant, machinery and appliances used in connection therewith are at any time used or occupied for any other purpose than a factory for the manufacture of veneer and excelsior and such other articles made from wood as will not come into competition with any other articles manufactured in the Town of Lindsay, such part shall be assessed separately and full taxes paid thereon.

10. That in the event of the corporation obtaining said special Act of Parliament, and the question of the site and fire protection having been settled or failed to be settled by reason of the default of the manufacturers in not selecting a site, and the manufacturers neglect or refuse to proceed and carry out their covenants and agreements contained in paragraph two hereof, the manufacturers shall pay to the corporation such reasonable costs, charges and expenses as they may have in any way been put to in submitting the said question to the ratepayers and in obtaining said special Act of Parliament.

11. Any joint stock company which may be incorporated and which may take over the manufacturers' factory and business, and any person or firm succeeding the said manufacturers, shall be entitled to the same privileges and exemptions as the said manufacturers are entitled to under this agreement, on the same terms and conditions.

12. In case the said special Act is not obtained, this agreement is to be at an end.

13. If the manufacturers during the said term of ten years remove their factory and business to another site in the Town of Lindsay, they shall be entitled to the same exemptions thereon in case the substituted site and the buildings erected thereon and plant and machinery placed therein comply with the terms of paragraph two hereof, and the site from which they remove shall then be liable to taxation in the ordinary way.

In witness whereof the mayor of the said the corporation of the Town of Lindsay has hereunto set his hand and affixed the corporate seal and the said parties of the first part have hereunto set their hands and seals.

Signed, sealed and delivered  
in the presence of

H. A. RIDER.

{ Seal }

D. URQUHART,  
As to Signature of  
H. A. RIDER.

A. D. KITCHENER.

{ Seal }

H. W. RIDER,  
As to Signature of  
A. D. KITCHENER.

THOS. WALTERS,  
Mayor.

F. KNOWLSON,  
Town Clerk.

{ Corporate Seal  
of the Town  
of Lindsay. }

## CHAPTER 56.

## An Act respecting the City of London.

*Assented to 1st April, 1898.*

## Preamble.

WHEREAS the Municipal Corporation of the City of London and the Municipal Corporation of the County of Middlesex have by their petitions prayed for special legislation in respect of the several matters set forth in sections 1, 2, 3, 4, 5 and 6 hereof, and the Corporation of the City of London has by its petition also prayed for special legislation in respect of the other matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petitions;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

## Agreement confirmed.

1. The agreement bearing date the tenth day of December, A.D., 1898, made between the Corporation of the City of London, of the first part, and the Corporation of the County of Middlesex, of the second part, a true copy of which appears in schedule "A" to this Act, is hereby confirmed, and declared to be legal, valid and binding.

## Provision for county representation on hospital committee.

2. In case the powers conferred by the Act of the Legislature of the Province of Ontario, passed in the 50th year of Her Majesty's reign numbered 58 and intituled *An Act respecting the General Hospital of the City of London*, shall cease and the same shall revert to the municipal council of the Corporation of the City of London as provided by section 10 of the said Act, the municipal council of the Corporation of the City of

London shall have power to provide, and they shall provide, during the continuance of the agreement referred to in section 1 hereof, and of any renewal thereof, for representation for the municipal council of the Corporation of the County of Middlesex on the committee of the council of the Corporation of the City of London which shall have charge of the management of the said hospital (which shall hereafter be known as "Victoria Hospital") in proportion to the present representation of the said Corporation of the County of Middlesex on the board of trustees as constituted by the said Act intitled *An Act Respecting the General Hospital of the City of London*.

3. During the continuance of the said agreement referred to in the first section hereof, and set out in schedule "A" to this Act, and of any renewal thereof, no amendment of the said Act intitled *An Act respecting the General Hospital of the City of London* shall be made which shall increase or reduce the number of the board of hospital trustees of the City of London without providing that the Corporation of the County of Middlesex shall have representation on the said board of hospital trustees in proportion to their representation on the said board, as constituted by the said last mentioned Act, but nothing in this section contained is intended to, or shall prevent the said last mentioned Act from being amended in such other respects as the Corporation of the City of London may from time to time desire.

Proportion of city and county representation to remain unchanged.

4. The Corporation of the City of London and the Corporation of the County of Middlesex may renew the said agreement referred to in the first section hereof, and set forth in schedule "A" to this Act, from time to time upon such terms and conditions as the said parties may from time to time mutually agree upon.

Agreement may be renewed.

5. The Council of the Corporation of the County of Middlesex may pay out of any unappropriated funds under their control the said sum of \$15,000 mentioned in the said agreement, set out in Schedule A to this Act, or at their option the said Council may pass a by-law to issue debentures to raise the said sum of \$15,000, and may raise the same by the sale of the said debentures, such debentures to be in sums of not less than \$100 each, and may be made payable in twenty years or less from the date thereof, with interest thereon at a rate not exceeding 4 per cent per annum payable half yearly.

Authority to County of Middlesex to issue debentures.

6. In the event of the said sum of \$15,000 becoming payable to the Corporation of the County of Middlesex by the Corporation of the City of London, as provided by the said agreement set out in Schedule A to this Act, the Council of the Corporation of the City of London may, without submitting the same to the ratepayers qualified to vote on money by-laws, pass a by-law to authorize the issue of debentures of the

Authority City of London to issue debentures and impose special rate.

the said City of London to the amount of \$15,000 for the purpose aforesaid, and may issue any number of debentures, in sums of not less than \$100 each, which may be payable at any time within twenty-five years from the date thereof with interest at a rate not exceeding 4 per cent. per annum, payable half yearly, and for the purpose of redeeming the said debentures and paying the interest thereon the Council of the Corporation of the City of London may in any by-law to be passed authorizing any such loan, and the issue of debentures therefor, impose a special rate per annum upon all the rateable property in the said municipality over and above, and in addition to, all other rates to be levied in each year, which shall be sufficient over and above the interest payable on such debentures to form a sinking fund to pay off the said debentures at maturity.

Authority to  
issue other  
debentures.

7. The Council of the Corporation of the City of London may borrow for any period not exceeding twenty-five years such sum not exceeding \$10,000 as to the Council may seem fit, for the purpose of completing Victoria Hospital, and may pay and apply the same accordingly, and the by-law authorizing the issue of the said debentures need not be submitted to the ratepayers qualified to vote on money by-laws, and the debentures so to be issued shall be in sums of not less than \$100 each, and shall bear interest at a rate not exceeding 4 per cent. per annum, payable half yearly, and for the purpose of redeeming the said debentures and paying the interest thereon the Council of the Corporation of the City of London may in any by-law to be passed authorizing any such loan, and the issue of debentures therefor, impose a special rate per annum upon all the rateable property in the municipality over and above and in addition to all other rates to be levied in each year which shall be sufficient over and above the interest payable on such debentures to form a sinking fund to pay off the said debentures at maturity.

Irregularity  
in form not to  
invalidate.

8. No irregularity in the form of the debentures issued under the authority of this Act or any by-law authorizing the issue thereof, shall render the same invalid, or be allowed as a defence to any action for the recovery of the amount thereof, or the interest thereon, or any part thereof.

Acquiring  
new site for  
drill shed.

9. The Municipal Council of the Corporation of the City of London may, in the event of arrangements being made with the Government of the Dominion of Canada for the transfer to the said Corporation of the present drill shed and grounds in the said city, pass a by-law for acquiring such lands as they may deem necessary within the limits of the City of London, to provide for a new drill shed site, and to convey the same to Her Majesty the Queen, in consideration of the transfer of the present drill shed and grounds to the trustees hereinafter referred to.



10. The said municipal council may pass a by-law for borrowing such sum of money as they may require, but not exceeding the sum of ten thousand dollars, for the purpose of purchasing therewith, and with any portion of the purchase money which may be provided by the Government of the Dominion of Canada, the said lands so to be acquired as aforesaid, and issue debentures for the amount so to be borrowed as aforesaid, which may be made payable within such period not exceeding twenty years, and with such rate of interest not exceeding four per cent per annum, payable half-yearly, as the said council may think fit!

Borrowing  
funds to  
purchase site  
for drill shed.

11. The said municipal council may appoint three trustees to whom the said lands to be transferred to the said corporation as aforesaid shall be conveyed to be held by them upon trust to sell and dispose of the said lands as directed from time to time by the said council, but not in any event earlier than the time when the same shall cease to be used by the Government of the Dominion of Canada as a drill shed, and after the payment thereof of the costs and charges attending the execution of their trust to apply the proceeds thereof in payment of the principal and interest of the moneys which shall be borrowed under the authority of section 10 of this Act, and to pay over the surplus, if any, to the treasurer of the said city for the general purposes thereof.

Trustees of  
drill shed  
site.

12. The said trustees first appointed shall hold office for two years from the time of their appointment, and their successors shall be appointed annually, and vacancies occurring in the office of trustee shall be filled by the said council for the residue of the term of office of the trustee whose office becomes vacant.

Term of office  
of trustees—  
vacancies.

13. The said trustees shall be a corporation to be called and known as "The Trustees of the Drill Shed Site," and shall not be entitled to any remuneration for their services, and the treasurer of the Corporation of the City of London for the time being shall be the secretary and treasurer of "The Trustees of the Drill Shed Site," without any remuneration for his services as such.

Trustees to be  
a corporation  
and serve  
without  
salary.

14. The said trustees may sell the said lands in parcels, and for cash or upon credit, and may take security by mortgage on the lands sold, or any other lands, for so much of the purchase money as may remain unpaid.

Sale of present  
site.

15. The said trustees shall, if and as required by the said council, sell and dispose of the mortgages and securities taken by them on account of the sale of the said lands, and apply the proceeds thereof in paying the debentures issued under the authority of section 10 of this Act.

Disposing of  
securities and  
application of  
proceeds.

Provision for  
payment of  
debentures.

**16.** If the proceeds of the sale of the lands conveyed to the said trustees shall not be sufficient to pay off the moneys borrowed under the authority of section 10 of this Act, and the interest thereon within seven years from the passing of this Act, it shall be the duty of the said council, after the expiration of the said period of seven years, to raise by special rate upon all the ratable property within the said city, yearly, during the currency of the said debentures, a sum sufficient to pay the annual interest of the then outstanding debentures, and a sum sufficient with the estimated interest on the investments thereof (the rate of such interest not to exceed four per centum per annum, capitalized annually) to discharge the debt when payable.

Assent of  
electors not  
required.

**17.** It shall not be necessary that the by-law passed under the authority of section 10 of this Act shall receive the assent of the electors, or that any of the provisions of "*The Municipal Act*" relating to by-laws for creating debts shall be complied with.

Form of de-  
bentures.

**18.** Every debenture issued under the authority of section 10 of this Act shall have upon the face of it written or printed the words "Drill Shed Site Debenture," and it shall be conclusively presumed in favour of the holder of any such debenture that the same was lawfully issued under the authority of this Act.

Annual state-  
ment by  
trustees.

**19.** The trustees shall annually, or oftener if required by the said council, deliver to the clerk of the municipality a statement showing the state of the trust fund in their hands, and such other information as the council may from time to time require.

## SCHEDULE A.

ARTICLES OF AGREEMENT made this tenth day of December, A.D., 1898,  
between the corporation of the city of London, of the first part, and  
the corporation of the county of Middlesex, of the second part.

Whereas under the provisions of the agreement made between the parties hereto bearing date the thirteenth day of May, A.D., 1874, the trustees of the London Savings Bank transferred to the parties to the said agreement and the board of trade of the city of London the debentures therein referred to, upon the trusts therein mentioned.

And whereas the securities now held by the said parties, and the said the board of trade of the city of London upon the trusts therein mentioned, consist of nine debentures of the city of St. Thomas, amounting to nine thousand dollars; one debenture of the city of St. Thomas, amounting to one hundred dollars, and one debenture of the county of Middlesex, amounting to six thousand five hundred dollars.

And whereas an agreement has been made between the parties hereto as to the application of the income of the said trust funds as hereinafter provided for, and the parties hereto have agreed as to the contribution to be made by the parties of the second part towards the additions and improvements to the London General Hospital, now known as Victoria Hospital, and as to the maintenance of the patients of the parties of the second part, and as to the payment therefor, as hereinafter set forth.

Now it is agreed by and between the parties hereto as follows:—

1. The parties hereto, and their successors in office and the board of trade of the city of London, and their successors in office, the trustees of the said funds shall pay to the parties of the first part annually its one-half share of the annual profits of the said trust funds, to be applied by the parties of the first part towards the care and maintenance of the city patients in the said hospital.

2. That out of the share of the parties of the second part, or one-half of the profits of the said trust funds, the said trustees shall pay the parties of the first part, at such average rate per day, for every patient the parties of the second part may send to the Victoria Hospital during the year, such rate to be ascertained as follows:—To the gross cost of the maintenance, attendance upon, and medical and other care of all the patients during the year, add for rent of hospital six per cent. on eight thousand dollars, add such sum as may have been necessarily expended during the year for repairs and insurance; take the number of patients for the year and ascertain the average cost per day for each patient, on the above basis. If the share of the parties of the second part in the profits of the said trust funds for any year shall exceed the charge made upon it as aforesaid the excess shall be retained by the said trustees and applied in like manner in the following year or years. The agreement contained in this clause to remain in force and the charge for rental not to be increased for all time to come and the right of the county to send patients to the extent of the fund aforesaid shall not be interfered with.

3. If the parties of the second part shall in any year send a greater number of patients than shall be sufficient to exhaust its share of the profits aforesaid the parties of the second part shall, at the end of the year, pay to the parties of the first part for the number of patients exceeding the number provided for by the next preceding clause of this agreement the sum of seventy-five cents per day per patient.

4. Subject always to the conditions and provisions of clause fifteen hereof, this agreement shall be substituted for the said agreement bearing date the 13th day of May, 1874, and anything provided for by said agreement not herein provided for is hereby declared to be null and void.

5. The parties of the second part shall when the necessary legislation confirming this agreement is obtained and when the certificate as herein-after set forth is obtained, advance to the parties of the first part in aid of the said Victoria Hospital building the sum of fifteen thousand dollars, and such sum shall bear interest at the rate of three and one-half per cent. per annum, and such interest shall be by the parties of the first part applied as far as necessary, or to the full extent thereof if necessary, in payment of the balance due in each year by the said parties of the second part for county patients, and should there be in any year a balance due by the parties of the second part after the application of its share of the said trust funds, and of the interest on the said sum of fifteen thousand dollars as aforesaid, the balance shall be paid by the parties of the second part to the parties of the first part at the end of the year in cash.

6. The parties of the second part shall not be bound to pay over to the parties of the first part the said sum of fifteen thousand dollars until a certificate has been signed by the architect of the said Victoria Hospital certifying that the buildings have been completed in accordance with the plans and specifications of the said architect, and in the event of the death of the said architect before the completion of the said buildings the certificate aforesaid may be signed by the successor in office of such architect, appointed by the said party of the first part, and the parties of the second part shall not be compelled to pay over the said sum of fifteen thousand dollars until legislation confirming this agreement has been passed by the Legislature of the Province of Ontario, the costs and expenses of such legislation to be borne equally by the parties hereto.

7. This agreement shall remain in force for five years from the date hereof unless terminated as hereinafter provided subject always however to the conditions and proviso contained in the fifteenth paragraph hereof.

8. If the present Government grant should be at any time during the existence of this agreement wholly or in part withdrawn or reduced, the parties of the first part shall be at liberty to terminate this agreement by giving to the parties of the second part six months' notice in writing of their intention so to do and repaying to the party of the second part the said sum of fifteen thousand dollars with the interest due, if any, and at the end of the six months mentioned in said notice this agreement shall be determined in the same manner as if the full term of five years had expired. And thereafter the said parties of the second part shall have no claim upon or interest in the said hospital acquired under this agreement (if any) but this shall not affect the rights of the said parties of the second part under paragraph two of this agreement, or any rights which they have or may otherwise acquire.

9. At the end or sooner determination of this agreement the said parties of the first part agree to re-pay to the said parties of the second part the said sum of fifteen thousand dollars with any accrued interest thereon, if any.

10. It is agreed that this agreement shall be confirmed by legislation as aforesaid, and the parties hereto agree each with the other to join in such petition or application as may be necessary or expedient to make to the Legislature of the Province of Ontario for legislation confirming and ratifying this agreement, and amending the Act of the Legislature of the Province of Ontario, passed in the 50th year of Her Majesty's reign, and intituled "An Act respecting the General Hospital of the city of London," by providing that, in case the powers conferred by the said Act are put to an end, as provided by section 10 of the said Act, the council of the parties of the first part shall have power to provide and they shall provide representation for the parties of the second part on the committee of the council of the parties of the first part, which shall have charge of the management of the said hospital in proportion to their present representation on the board of trustees. It being understood and agreed that no amendment of the said Act shall be made which shall increase or reduce the number of the board of hospital trustees of the city of London during the continuance of this agreement without providing that the parties of the



the second part shall have representation on the said board in proportion to its present representation, but this shall not prevent the said Act from being amended in such other respects as the said parties of the first part may desire.

11. It is agreed that this agreement may be renewed by the parties hereto from time to time for such time or times and upon such terms and conditions as the parties hereto may from time to time agree upon without further legislative confirmation.

12. The terms of this agreement shall continue in force after the expiration of the said term of five years unless and until either of the parties hereto terminates the same, as either party shall be at liberty to do at any time after the expiration of the term of five years, by giving to the other party six months' notice in writing of its intention so to do.

13. Should the party of the first part give such notice, and if the repayment of the said fifteen thousand dollars (with accrued interest) (if any) be not made on or before the termination of the six months' notice, the agreement shall remain in force until such repayment is made, and should the party of the second part give such notice, the party of the first part shall repay the said sum of fifteen thousand dollars, with accrued interest, if any, at or before the time of the termination of such notice and in default thereof this agreement shall continue in force until the end of the current year in which the time of the said termination of such notice shall occur when the said party of the first part agrees to pay to the said party of the second part the said sum of fifteen thousand dollars, with accrued interest, if any.

14. The party of the first part agrees to receive and admit to the said hospital such patients as may from time to time be sent thereto by the party of the second part, and to give to such patients proper maintenance, medical care and treatment and all other proper care and attendance at least equal to that given to any non-paying patients in the said hospital. The certificate of any one authorized by the municipal council of the county of Middlesex to be sufficient authority to the hospital authorities to receive the said patients.

15. Provided always and it is hereby expressly agreed and declared that, notwithstanding anything hereinbefore contained, if this agreement be not sanctioned by legislation as hereinbefore provided for the rights of the parties hereto whether under the said agreement dated the thirteenth day of May, 1874, or otherwise, howsoever, shall be exactly as they were before this agreement was made.

In witness whereof the parties hereto have caused to be affixed their corporate seals, and the mayor of the said city of London, and the warden of the said county of Middlesex have set their hands the day and year first above written.

Signed, sealed and delivered	}	JNO. D. WILSON,	
In the presence of		Mayor	[L.S.]
C. A. KINGSTON			
As to signature of			
Jno. D. Wilson,		PETER ELSON,	
		Warden.	[L.S.]
T. E. ROBSON,			
As to signature of			
Peter Elson, Warden			

## CHAPTER 57.

## An Act respecting the Township of Madoc.

*Assented to 1st April, 1899.*

## Preamble.

WHEREAS the Municipal Corporation of the Township of Madoc have by their petition represented that in aiding the Belleville and North Hastings Railway Company, they incurred a debt of \$37,200, for which amount debentures of the said corporation were issued under by-law No. 81, passed on the seventeenth day of October, A.D. 1874, and that no provision by way of sinking fund for redeeming the same has been made and that none of the principal but only the annual interest on the said debentures has been paid; and whereas under and by virtue of an agreement entered into between the said corporation and the Municipal Corporation of the Village of Madoc, on the twenty-eighth day of December, A.D. 1878, it was agreed that the said Corporation of the Village of Madoc should assume and pay to the first named corporation a portion of the said debentures being in amount \$5,723.25; and whereas the said debentures will become due and payable in the month of April, 1899, and whereas it has been made to appear that the levying of a rate for the immediate payment of the said debt would be unduly oppressive to the ratepayers; and whereas the said corporation have by their petition, prayed that they may be authorized to issue debentures for the sum of \$32,000 to meet and pay off the said debentures, falling due as aforesaid; and whereas it is expedient to grant the prayer of the said petition;

Therefore

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall be lawful for the Corporation of the Township of Madoc to pass a by-law providing for the issue of debentures under their corporate seal, signed by the reeve and countersigned by the treasurer for the time being, in such sums of not less than \$100 and not exceeding \$32,000 in the whole, and the principal sum secured by the said debentures, and the interest accruing thereon, may be made payable at such place or places in this Province as the said corporation may deem expedient. Issue of debentures.

2. The corporation of the said township may, for the purpose in section 4 hereof mentioned, raise money by way of loan on the said debentures in this Province or in Great Britain or elsewhere or sell and dispose of the said debentures from time to time as they may deem expedient. Power to raise money on debentures.

3. The said debentures shall be payable in not more than twenty years from the issue thereof as the said corporation may direct. Coupons shall be attached thereto for the payment of the interest thereon, and such interest shall be payable yearly on the first day of April or half yearly on the first day of the months of April and October in each and every year, at the place mentioned therein and in the coupons attached thereto, and the said debentures may bear interest at any rate not exceeding four per cent. per annum. Payment of debentures and interest.

4. The said debentures and all moneys arising therefrom shall be applied by the said corporation in the redemption of the now outstanding debentures of the Township of Madoc, issued in aid of the Belleville and North Hastings Railway Company, and in no other manner, and for no other purpose whatsoever, and said debentures may be known as "The Belleville and North Hastings Railway Debentures." Application of debentures.

5. The treasurer of the said township, on receiving instructions from the council so to do, shall, on the maturity of the debentures now outstanding, discharge the same with the funds raised under the preceding sections of this Act, or may, with the consent of the holders of the said outstanding debentures, substitute therefor the debentures, or any of them herein authorized to be issued as may be agreed upon between the said council and the holders of the said outstanding debentures. Calling in outstanding debentures.

6. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law, and the interest thereon shall be paid and satisfied. By-laws not to be repealed until debts paid.

Debentures  
how payable.

7. A portion of the said debentures to be issued under this Act shall be made payable in each year for a period not exceeding twenty years from the first day of April, 1899, so that the aggregate amount to be levied and payable for principal and interest in any one year shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of the period within which the debt is to be discharged.

Special rate.

8. The said corporation shall levy, in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest, in respect of the debentures authorized to be issued under this Act, to be called "The Belleville and North Hastings Railway Debenture Rate," and it shall not be necessary to levy for or to provide any sinking fund to retire the said debentures or any of them.

Books of  
account to be  
kept.

9. It shall be the duty of the treasurer of the said township from time to time to keep, and it shall be the duty of each of the members of the said municipal council from time to time to procure such treasurer to keep, and see that he does keep, a proper book of account, setting forth a full and particular statement, so that the same shall at all times show the number of debentures which shall from time to time be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the time at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sale, or negotiation of the said debentures and the application which shall from time to time be made of the said amounts, and the said book of accounts and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said township, and of any of the holders from time to time of the debentures which shall be issued under the powers hereby conferred, or any of the said debentures now outstanding.

Assent of  
electors not  
necessary

10. It shall not be necessary to obtain the assent of the electors of the said Township of Madoc to the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by

Rev. Stat. 223

*The Municipal Act*, or any Act amending the same.

Form of  
debentures  
and by-laws.

11. The debentures to be issued under this Act, may be in the form of Schedule A. hereto, and the by-law or by-laws authorizing the same may be in the form set out in Schedule B. to this Act.



12. Any provisions of the Acts respecting municipal institutions, which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law or by-laws to be passed by the corporation under the provisions of this Act, and no irregularity in form, either of the debentures to be issued under this Act, or of the by-law or by-laws authorizing the issue thereof, shall render the same invalid or illegal, or be allowed as a defence in any action which may be brought against the said corporation for the recovery of the amount of the said debentures and interest, or any or either of them, or any part thereof, and the purchaser or holder thereof shall not be bound to enquire as to the necessity of passing such by-law or issue of debentures, or as to the application of the proceeds thereof.

Inconsistent provisions not to apply.

13. This Act may be cited as *The Madoc Railway Debenture Act, 1899.*

Short title.

SCHEDULE A.

Province of Ontario, Township of Madoc.

MADOC RAILWAY DEBENTURE.

\$	No.
Under and by virtue of <i>The Madoc Railway Debenture Act, 1899</i> , and by virtue of By-law No.      of the Corporation of the Township of Madoc passed under the provisions contained in the said Act, the Corporation of the Township of Madoc in the County of Hastings, promises to pay to the bearer at                      in the City of                      the sum of \$      on the      day of      A. D. 18      , and to pay the bearer the yearly coupons, for interest thereon hereto attached, as the same shall severally become due.	

Dated at                      in the Township of Madoc, this                      day of A. D., 189      .

Reeve.  
Treasurer.

## SCHEDULE B.

## BY-LAW NO.                      OF THE TOWNSHIP OF MADOC.

To authorize the issue of debentures under the authority of *The Madoc Railway Debenture Act, 1899*.

Whereas the said Act authorizes the issue of debentures for the purposes therein mentioned to be known as the Madoc Railway Debentures, not exceeding the sum of \$32,000 in the whole, as the Corporation of the Township of Madoc may in pursuance of and in conformity with the provision of the said Act direct.

And whereas for the purposes mentioned in the said Act it is necessary and expedient to issue debentures to the extent of \$                      payable on the                      day of                      with interest thereon at the rate of                      per cent per annum payable yearly according to the coupons to the said debentures attached.

And whereas the amount of the whole rateable property of the Township of Madoc according to the last revised assessment roll of the said Township being for the year 189                      was \$                     

Therefore the Municipal Corporation of the Township of Madoc hereby enacts as follows :

1. Debentures under the said Act and for the purposes therein mentioned to be known as the Madoc Railway Debentures to the extent of \$                      are hereby authorized and directed to be issued.

2. The said debentures shall have coupons thereto attached for the payment of the interest at the rate of                      per cent per annum. payable yearly, on the first day of the month of                      in each year.

3. The said debentures shall be payable in yearly payments of principal and interest combined, and such yearly payment of principal and interest combined to be as nearly equal each other as possible.

4. This by-law shall come into effect forthwith after the passing thereof.

Passed in open Council this                      day of                      A. D., 189                      .

Reeve.

Treasurer.

## CHAPTER 58.

## An Act respecting the Debt of the Village of Madoc.

*Assented to 1st April, 1899.*

**W**HEREAS the Municipal Corporation of the Village of Madoc, in the County of Hastings, have by their petition represented that before the incorporation of said village it formed part of the Township of Madoc, and that upon incorporation the proportion of the debt of the Township of Madoc for which the said village became liable amounted to \$5,723.25, payment of which amount the said Corporation of the Township of Madoc has demanded forthwith from the said Village of Madoc, and no provision has been made for the payment thereof; and whereas it appears that the Corporation of the Village of Madoc has incurred a further liability of \$7,500 for the erection of a public school house in the said village, and under By-Law No. 7, dated 19th July, 1879, debentures were issued by the said Village of Madoc to the amount of \$7,500 which debentures have already matured, and that no provision has been made for the payment of the same except a sinking fund which amounts to \$1,748.70; and whereas it further appears that the said Corporation of the Village of Madoc has incurred a further liability of \$3,000 for the purpose of purchasing a steam fire engine, which amount has been borrowed from a private source and that before incurring such last mentioned liability a by-law was duly submitted to the ratepayers of the said village providing for incurring a liability for the said sum of \$3,000 for the said purpose, and that the said by-law was carried by a considerable

majority

majority of the ratepayers voting thereon, the vote being 118 for the by-law and 30 against the by-law; and whereas it further appears that by inadvertence a mistake was made in the schedule of the said by-law by which more was to be raised under the said by-law than would pay the said debt of \$3,000; and whereas it has been made to appear that the levying of a rate for the immediate payment of the said debt would be unduly oppressive to the ratepayers; and whereas the said corporation have by their petition prayed that they may be authorized to issue debentures for the sum of \$14,000 to meet and pay off the said indebtedness; and whereas it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Debentures  
for \$14,000  
authorized.

1. It shall be lawful for the Corporation of the Village of Madoc to pass a by-law providing for the issue of debentures under its corporate seal, signed by the reeve and countersigned by the treasurer for the time being, in such sums of not less than \$100 and not exceeding \$14,000 in the whole, as the said corporation may from time to time direct, and the principal sum secured by the said debentures, and the interest accruing thereon, may be made payable at such place or places in this Province as the said corporation may deem expedient.

Power to raise  
money on  
debentures.

2. The corporation of the said village may, for the purposes herein mentioned, raise money by way of loan on said debentures, or sell and dispose of the said debentures from time to time as it may deem expedient.

Term of  
debentures.

3. The said debentures shall be payable in not more than twenty years from the first day of January, 1899 as the said corporation may direct. Coupons shall be attached thereto for the payment of the interest thereon, and such interest shall be payable yearly on the first day of the month of January in each and every year at the place mentioned therein and in the coupons attached thereto, and the said debentures may bear interest at any rate not exceeding four per cent. per annum.

Payment of  
interest.

Application of  
proceeds of  
debentures.

4. The said debentures and all moneys arising therefrom shall be applied by the said corporation in the payment of the said debt to the corporation of the Township of Madoc of \$5,723.25, the debt incurred in the erection of the said school house, and the debt incurred for the purchase of a steam fire engine, and in no other manner and for no other purpose whatsoever, and the said debentures may be known as the "Village of Madoc Consolidated Debt Debentures."



5. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied.

By-law not to be repealed until debt paid.

6. A portion of the said debentures to be issued under this Act shall be made payable in each year for a period not exceeding twenty years from the first day of January, 1899, so that the aggregate amount to be levied and payable for principal and interest in any one year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of the period within which the debt is to be discharged.

Annual payments on principal and interest.

7. The said corporation shall levy in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act, to be called "The Village of Madoc Consolidated Debenture Rate," and it shall not be necessary to levy for, or to provide any sinking fund to retire the said debentures or any of them.

Special rate.

8. It shall be the duty of the treasurer of the said village from time to time, to keep, and it shall be the duty of each of the members of the said municipal council from time to time to procure such treasurer to keep, and to see that he does keep, a proper book of account, setting forth a full and particular statement so that the same shall at all times show the number of debentures which from time to time shall be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable and the several amounts which shall from time to time be realized from the sale or negotiation of the said debentures, and the application which shall from time to time be made of the said amounts and the said book of account and statement shall at all times and at all reasonable hours, be open to the inspection of any rate-payer of the said village or of any of the holders from time to time of the debentures which shall be issued under the powers hereby conferred.

Treasurer to keep proper books of account.

9. It shall not be necessary to obtain the assent of the electors of the said Village of Madoc to the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Municipal Act*, or any Act amending the same.

Assent of electors to by-laws not required.

Rev.'Stat: 223

10. The debentures to be issued under this Act may be in the form of Schedule A hereto, and the by-law or by-laws authorizing the same may be in the form of Schedule B to this Act.

Form of debentures and by-laws.

Inconsistent  
enactments  
not to apply.

11. Any provisions of the Acts respecting municipal institutions which are, or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law to be passed by the corporation under the provisions of this Act, and no irregularity in form either of the debentures to be issued under this Act, or of the by-law authorizing the issue thereof shall render the same invalid or illegal or be allowed as a defence in any action which may be brought against the said corporation for the recovery of the amount of said debentures and interest, or any or either of them or any part thereof, and the purchaser or holder thereof shall not be bound to inquire as to the necessity of passing such by-law or issue of debentures or as to application of the proceeds thereof.

Short Title.

12. This Act may be cited as *The Village of Madoc Debenture Act, 1899*.

---

## SCHEDULE A.

(Section 10.)

### PROVINCE OF ONTARIO, VILLAGE OF MADOC.

Village of Madoc, Consolidated Debt Debenture \$  
No. . Under and by virtue of the Village of Madoc  
Debenture Act, 1899 and by virtue of By-Law No. of the  
Corporation of the Village of Madoc passed under the provisions con-  
tained in the said Act the Corporation of the Village of Madoc in the  
County of Hastings, promise to pay to the bearer at in the  
City of the sum of \$ on the day of  
A. D. and to pay the bearer the yearly  
coupons for interest thereon hereto attached as the same shall severally  
become due

Dated at the Village of Madoc this " day of  
A. D. 1899.

Reeve,  
Treasurer.

## SCHEDULE B.

(Section 10 )

By-Law No.                      of the Village of Madoc to authorize the issue of debentures for the purposes therein mentioned and to be known as the Village of Madoc Consolidated Debt Debentures, not exceeding the sum of \$14,000 in the whole as the Corporation of the Village of Madoc, may in pursuance of and in conformity with the provisions of the Village of Madoc Debenture Act 1899 direct.

Whereas for the purposes mentioned in the said Act it is necessary and expedient to issue debentures to the extent of \$14,000 payable on the first day of January in each year for a period of twenty years, from the first day of January, 1899, with interest thereon at the rate of four per centum per annum, payable yearly according to the coupons to the said debentures attached so that the aggregate amount to be levied and payable for principal and interest in any one year, shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of the period within which the debt is to be discharged.

And whereas the amount of the whole rateable property of the Village of Madoc, according to the last revised assessment roll being for the year 1898 was \$308,792.

1. Debentures under the said Act and for the purposes therein mentioned, to be known as the Village of Madoc Consolidated Debt Debentures to the extent of \$14,000, are hereby authorized and directed to be issued.

2. The said debentures shall have coupons thereto attached for the payment of the interest at the rate of four per cent. per annum, payable yearly on the first day of the month of January in each year.

3. This By-Law shall come into effect forthwith after the passing hereof.

Passed in open Council this  
A. D. 1899.

day of

Reeve,

Clerk.

## CHAPTER 59.

An Act to consolidate the debt of the Town of  
Mattawa.*Assented to 1st April, 1899.*

## Preamble.

**W**HEREAS the Municipal Corporation of the Town of Mattawa has by petition represented that the said corporation has a total debenture debt, of \$19,186.80, the particulars whereof are set forth in the schedule C hereto and has incurred a floating debt of about \$5,813.20, the said floating debt having arisen from unforeseen expenses, including repairs to Mattawa River Bridge, expenditures in and about the Contagious Hospital and dumping ground, and in connection with the district town disputes, in addition to the ordinary expenses, for the payment of which there are no funds available; and whereas it has been urged that the payments to be made on account of the said debenture debts and of the said floating debt would be unduly oppressive to the ratepayers, and the said corporation has prayed that the said debenture debts and the said floating debt may be consolidated and authority given to issue debentures for that purpose; and whereas the said petition has not been opposed; and whereas it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Debts consolidated at  
\$25,000.

1. The said debts of the said Corporation of the Town of Mattawa are hereby consolidated at the sum of \$25,000.



2. The said Corporation of the Town of Mattawa may issue debentures under its corporate seal signed by the mayor and countersigned by the treasurer for the time being, for such sums not less than \$100 each and not exceeding \$25,000 in the whole, as the said corporation may by by-law from time to time direct, and the principal sum of the said debentures and the interest thereon may be made payable at such place as the corporation may deem expedient, and may be expressed in either sterling money of Great Britain or currency of Canada.

Power to issue debentures for \$25,000.

3. The said corporation may raise by way of loan on the credit of the said debentures a sum not exceeding in the whole the sum of \$25,000, or may sell or dispose of the said debentures from time to time as they may deem expedient for the purposes of this Act.

Raising money on debentures.

4. The said debentures shall be made payable at such period not exceeding thirty years from the date thereof as the said corporation may direct. Coupons shall be attached to the said debentures for the payment of interest thereon, and such interest shall be payable at such rate not exceeding five per cent. per annum as the said corporation shall direct, and shall be payable yearly.

Form of debentures.

Interest coupons.

5. A portion of the said debentures to be issued under this Act shall be made payable in each year after the taking effect of the by-law or by-laws for a period not exceeding thirty years from the date thereof, and so that the aggregate amount payable for the principal and interest in any one year under any by-law shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of the period within which the said debenture debt under such by-law is to be discharged.

Payment of debt in annual instalments.

6. It shall not be necessary to obtain the assent of the electors of the said Town of Mattawa for the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Municipal Act*; and any provisions in the Acts respecting municipal institutions in the Province of Ontario which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act.

Assent of electors not required.

Rev. Stat. 223

7. No irregularity in the form of the said debentures, or any of them, or of any by-law authorizing the issuing thereof, shall render the same invalid or illegal or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest, or any or either of them, or any part thereof, and a purchaser.

Irregularity in form not to invalidate.

or holder thereof shall not be bound to inquire as to the necessity of passing such by-law or issue of debentures or as to the application of the proceeds thereof.

By-Law, not  
to be  
repealed until  
debt paid.

**8.** Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied.

Application  
of proceeds.

**9.** The said corporation may raise money by the sale or hypothecation of the said debentures and all moneys to arise therefrom shall be applied in payment of the said floating debts and in payment and redemption of the said debenture debts and for no other purpose whatsoever.

Form of  
debentures.

**10.** The debentures issued under this Act may be in the form contained in Schedule A to this Act, and the by-law or by-laws authorizing the same and for the special rate for payment of interest may be in the form of Schedule B to this Act, or to the like effect.

Form of by-  
law.

Calling in out-  
standing  
debentures.

**11.** The said corporation may arrange with the holders, or any of them, for the purchase of the outstanding debentures, or any of them, or for the substitution of the debentures, authorized to be issued by this Act, for the outstanding debentures, or any of them, and the said corporation may issue the whole or a sufficient portion of the said debentures authorized to be issued under this Act to purchase or substitute for, as the case may be, any such debentures that may be purchased or arranged for.

Indebtedness  
not dis-  
charged.

**12.** Nothing in this Act contained shall be held or taken to discharge the corporation of the Town of Mattawa from any indebtedness or liability which may not be included in the said debt.

## SCHEDULE A.

(Section 10.)

## DEBENTURE.

Province of Ontario, Town of Mattawa.

No.

\$

Under and by virtue of an Act to consolidate the debt of the Town of Mattawa, passed by the Legislative Assembly of the Province of Ontario in the sixty-second year of the reign of Her Majesty Queen Victoria and chaptered \_\_\_\_\_ and by virtue of By-law No. \_\_\_\_\_ of the Corporation of the Town of Mattawa, passed under the provisions contained in the said Act, the Corporation of the Town of Mattawa promise to pay to the bearer at \_\_\_\_\_ in the Town of Mattawa, the sum of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ A.D. \_\_\_\_\_ and the yearly coupons for interest thereon hereto attached as the same shall severally become due.

Dated at Mattawa, in the District of Nipissing, this \_\_\_\_\_ day of \_\_\_\_\_ A.D. \_\_\_\_\_

Mayor.

Treasurer.

## SCHEDULE B

(Section 10.)

By-law No. \_\_\_\_\_ to authorize the issue of debentures under the authority of an Act to consolidate the debt of the Town of Mattawa.

Whereas the said Act authorizes the issue of debentures for the purposes therein mentioned, not exceeding the sum of \$25,000 in the whole, as the Corporation of the Town of Mattawa may in pursuance of and in conformity with the provisions of the said Act, direct; and whereas for the purposes of the said Act, it is necessary and expedient to issue debentures to the extent of \$ \_\_\_\_\_ payable \_\_\_\_\_ with interest thereon, at the rate of \_\_\_\_\_ per centum per annum, payable yearly, according to the coupons to the said debentures attached; and whereas the amount of the whole rateable property of the said Town of Mattawa, according to the last revised assessment roll of the said Town being for the year one thousand eight hundred and ninety- \_\_\_\_\_ was \$ \_\_\_\_\_

Therefore the Municipal Corporation of the Town of Mattawa enacts as follows:

1. Debentures under the said Act, and for the purposes mentioned therein to the extent of the sum of \$ \_\_\_\_\_ are hereby authorized and directed to be issued.

2. The said debentures shall have coupons thereto attached for the payment of interest at the rate of \_\_\_\_\_ per centum per annum payable yearly on the \_\_\_\_\_ day of \_\_\_\_\_ in each year.

This by-law passed in open council this \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord one thousand eight hundred and ninety- \_\_\_\_\_

SCHEDULE

## SCHEDULE C.

Report of the debts of the municipality of the Town of Mattawa for the year ending December 31st, 1898 :—

Title or description of debt.	Original amount of debt.	Balance of principal unpaid in 1898	Totals
1. Street improvement.....	\$6,000	\$4,267.38	
2. Fire protection.....	4,000	4,000.00	
3. Contagious hospital .....	4,000	3,415.50	
4. Park bridge and fire protection.	8,000	7,503.92	
			<u>\$19,186.80</u>
The floating debt consists of some unforeseen expenses, such as repairs to Mattawa River Bridge and expenses in and about Contagious Hospital and dumping ground, the county town expenses which were about \$4,000 and kept afloat, having been partially paid and the total liabilities have been brought up to the sum named.....			5,813.20
			<u>\$25,000.00</u>



## CHAPTER 60.

## An Act respecting the Village of Merrickville.

*Assented to 1st April, 1899.*

**W**HEREAS the Municipal Corporation of the Village Preamble.  
of Merrickville have petitioned for authority to appropriate to the general purposes of the corporation aforesaid the sum of \$1,555.40 levied during the years 1895 and 1896, under by-law number 214, passed on the 11th day of April, 1894, entitled "A by-law to provide for aiding and assisting the Kingston, Smith's Falls and Ottawa Railway Company," by granting to the said company the sum of \$10,000 by way of a bonus, and to authorize the levying of a special rate by the Corporation of The Village of Merrickville for the payment thereof; and whereas the said by-law has been duly assented to by the ratepayers of the said corporation as required by law, and debentures have been issued in pursuance thereof, which debentures, however, have never been negotiated, but remain in the possession of the said corporation; and whereas the said bonus by way of aid to said railway company was granted upon condition that the said railway should be constructed and completed on or before January 1st, 1898, and upon other conditions set forth in the said by-law; and whereas the construction of the said railway has never been commenced, and none of the said conditions have been fulfilled by the said railway company, and no extension of time for fulfilment thereof has been granted; and whereas the said corporation have asked to have it declared that the said company have forfeited all claim to the said bonus, and to be relieved from the further levy and collection of rates for the payment thereof, and have asked for authority to cancel and destroy

the

the said debentures, and whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Bonus to  
railway com-  
pany forfeited.

1. The Municipal Corporation of the Village of Merrickville are hereby authorized to apply to the general purposes of the said corporation the sum of \$1,555.40 levied under the said by-law number 214 of the said corporation, and it is hereby declared that the said railway company have forfeited all claims to the said bonus, and the said corporation are hereby relieved from the further levy and collection of moneys thereunder, and are authorized to cancel and destroy the said debentures.

---

## CHAPTER 61.

An Act respecting the Corporation of the Town of  
Midland.*Assented to 1st April, 1899.*

**W**HEREAS the Municipal Corporation of the Town of Midland and the Canada Iron Furnace Company (Limited), of Montreal, have respectively, by their several petitions, prayed that an Act may be passed confirming and validating a certain agreement, made on the 15th day of February, 1899, by and between the Corporation of the Town of Midland (hereinafter called "the corporation"), of the first part, and the Canada Iron Furnace Company (Limited), of Montreal (hereinafter called "the company"), of the second part, which said agreement is set out in full in schedule A. to this Act; and whereas it is urged that it is desirable to encourage the establishment of iron smelting works and charcoal kilns within the Province of Ontario and that the Town of Midland is favourably located for the establishment of such an industry; and whereas the said company has established iron smelting works at Radnor Forges, in the Province of Quebec, and at other places in Canada, and has had considerable experience in the production of pig-iron and its allied industries; and whereas it is represented that the establishment of such an industry will give employment to a very large number of men in the Town of Midland and the vicinity thereof; and whereas it is also represented that it is desirable to extend the corporate limits of the said Town of Midland so as to include within such limits the proposed site of such iron smelting works and charcoal kilns; and whereas a by-law for the purposes aforesaid was on the 17th day of March, 1899,

Preamble.  
submitted

submitted to the duly qualified ratepayers of the said Town of Midland and the same was carried in the affirmative by a vote of 258, or considerably over two-thirds, to 16, and the said by-law has been duly passed by the municipal council of the said Town of Midland; and whereas no opposition has been offered to the said petitions; and whereas it is expedient to grant the prayer of the said petitions.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Authority to  
grant bonus.

1. Subject as hereinafter provided, it shall be lawful for the corporation of the Town of Midland to grant the sum of \$50,000 by way of bonus to the Canada Iron Furnace Company, Limited, of Montreal, for the establishment of iron smelting works and charcoal kilns in the said Town of Midland, and to issue debentures to raise the said sum of \$50,000, the payment of such debentures to extend over a period of forty years, subject to such terms, conditions and restrictions as the council of the said corporation may deem expedient.

Issue of debentures.

2. The debentures to be issued for such bonus may be issued at such time or times as provided in the by-law for granting the said bonus, and the issue thereof may be postponed until the conditions contained in the by-law and the said agreement have been fulfilled, and the Corporation of the Town of Midland is hereby in all respects authorized and empowered upon the passing of this Act to issue the debentures mentioned in the said by-law notwithstanding that the same are intended to extend over a period of forty years and to make provision for payment thereof pursuant to the provisions contained in the said by-law.

Agreement  
confirmed.

3. Subject as herein provided, the agreement between the said corporation and the said company, which is set out in Schedule A. to this Act, is hereby ratified and confirmed and made legal, in the same manner and to the same extent as if it were set out at length and incorporated in this Act.

Company's  
lands to be  
included in  
town limits.

4. Such lands adjacent to the present limits of the said town and not exceeding 200 acres in area as may be acquired by the said company either by purchase or otherwise for the purposes of the said company shall and the same are hereby declared to be within the corporate limits of the said Town of Midland, for all municipal and legislative purposes.



## SCHEDULE A.

*(Section 3.)*

This memorandum of agreement, made in duplicate and entered into at the city of Montreal, in the Province of Quebec, Canada, on this fifteenth day of February, A.D. 1899, by and between the Canada Iron Furnace Company, Limited, a corporation having its head office at Montreal aforesaid, and herein acting by P. H. Griffin, president, and Geo. E. Drummond, managing director and treasurer, hereto duly authorized by a resolution of the board of directors (hereinafter called "the company"), of the first part, and the corporation of the town of Midland, herein acting and represented by Silas A. Milligan, the mayor, and W. Finlayson, acting for the firm of Bennett & Finlayson, solicitors of the said town (hereinafter called "the corporation"), of the second part.

Whereas the company have in contemplation of the establishment of an iron smelting industry in the said town of Midland, or adjacent thereto, and the said corporation have offered to assist the said enterprise by granting them a bonus to the extent of \$50,000, upon the terms and conditions hereinafter set forth.

Therefore this agreement witnesseth that for the considerations herein set forth, the said parties have, and hereby do covenant, promise and agree each with the other in manner following, that is to say :

*First.*—The company will cause to be constructed, erected, equipped and developed, an iron smelting works capable of turning out sixty tons of pig-iron per day. Such iron smelting works to be of modern design and substantial character, and to be fully and completely equipped with all necessary machinery, plant, furnace stack, heating oven, blowing engines, boilers, pumps, charcoal kilns, buildings, wharves and premises proper for the working and operating of an iron smelter. The said iron smelting works and charcoal kilns shall be erected and put in operation within eighteen months from the date hereof. Upon the final completion of said works, as hereinafter provided, there shall have been expended in the construction, erection, equipment and development thereof a sum of \$250,000.

*Second.*—The company covenant, promise and agree with the corporation that they will operate the said smelting works and charcoal kilns as follows:—

(a) That the output of said furnace shall average sixty tons of pig iron of a merchantable quality for each working day during the year, as provided in section (b) hereof.

(b) That they will carry on the operations in connection with the said smelting works for an average of at least three hundred working days per year, during the term of ten years hereinafter provided for, accidents and other circumstances beyond their control excepted.

(c) That they will employ at least seventy men in connection with the work of the said smelter on the premises of the company, during every working day as above defined, such men to be as far as practicable residents of the town of Midland.

(d) That there will be employed an average of one hundred and thirty men during every working day as aforesaid in the cutting and delivery of wood for use as fuel in the said smelter, and in the other subsidiary operations of the company.

(e) That they will pay monthly in cash in the town of Midland to all men employed by them in or about the said smelter, or in preparing wood for fuel.

(f) That they will not engage in, or be connected with, any business as merchants in the county of Simcoe, but will themselves deal, and encourage their men to deal, with the merchants of the town of Midland.

(g) That they will operate the said smelting works and charcoal kilns as provided in this section, for ten years from the time they receive the said sum of \$50,000 as hereinafter provided.

(h) That the company will consume on the average forty thousand cords of wood in each and every year in the operations of the said smelter on their premises in the town of Midland.

(i) That the company will furnish the corporation with at least two thousand tons of slag for road material in each and every year from and after two years from the date hereof.

*Third.*—The said bonus of \$50,000 shall be payable as soon as the works of the company have been put in operation, and have, during thirty days, produced an average of sixty tons of pig iron of a merchantable quality per day as herein specified, and the company shall have expended seventy per cent. of said sum of \$250,000. The corporation shall have the right to appoint an engineer to inspect the said works jointly with the engineer of the company, and to verify said expenditure, as herein provided, the said engineers to report jointly to the corporation.

*Fourth.*—The company agree to erect the said iron smelting works and charcoal kilns within the corporate limits of the town of Midland, or upon one of the two following sites :—

(a) Forty acres of lot 110, in the first concession of the township of Tay, in the county of Simcoe, or

(b) Part of lot 21, in the third concession of the township of Tay, in the county of Simcoe.

In the event of the company deciding to locate the said smelting works without the present limits of the said town of Midland, the company agree with the corporation to join in any proceedings necessary to extend the corporate limits, so as to include such proposed site within the town of Midland.

*Fifth.*—The corporation agree to place a fixed assessment of \$25,000 on the said iron smelting works and charcoal kilns, for a period of ten years from and after the payment of the bonus of \$50,000. Such assessment shall be placed on all the property and plant of the company used in the manufacture of charcoal pig iron, and shall not include an assessment on other property acquired by the company for residential purposes, or for any other business purposes.

*Sixth.*—The intention of the company is to work and operate the said smelting works to the fullest extent the state of trade will permit, but to provide against disputes it is hereby provided that should the company not fulfil the terms and conditions of this agreement, or be unwilling to continue the operation of the said smelting works and charcoal kilns, as herein provided, they may give the corporation one month's notice in writing of such intention and at the end of such month their obligations under this agreement shall cease and determine. In either of such cases the company shall refund to the corporation such sum as shall be found to be due, calculated on the following basis (which sum shall be an ascertained and liquidated amount in full of all claims and demands) viz : The sum of \$5,000 for each and every year which remains of the period of ten years provided for in sections 2 and 3 of this agreement, from the time of the breach or giving of such notice, exclusive of the year in which such breach occurs or notice is given.

*Seventh.*—It is further mutually agreed that the parties hereto will severally use all reasonable and lawful means to have an Act passed by the Legislature of the Province of Ontario, confirming this agreement, and

also

also authorizing the passage of a by-law by the municipal council of the town of Midland providing for the granting of the said bonus of \$50,000, and for the issue of debentures for said purpose. The said Act shall contain such further and other provisions as may be necessary to give full effect to the true intentions of this agreement. It is further agreed that the company will bear all costs, legal expenses, and disbursements incurred in applying for such legislation.

*¶ Eighth.*—This agreement is subject to the assent of the rate-payers of the town of Midland being obtained in the manner provided by law, and is also subject to the obtaining of the necessary legislation as provided in the preceding section.

In witness whereof the parties have hereto set their hands at Montreal aforesaid the day and year first above written, as witness the seals of said respective corporations.

Canada Iron Furnace Co., Limited.

P. H. GRIFFIN,  
President.

[L.S.]

GEO. E. DRUMMOND,  
Managing Director and Treasurer,  
The Corporation of the Town of Midland.

S. A. MILLIGAN,  
Mayor.

[L.S.]

W. FINLAYSON,  
Solicitor.

In Presence of

W. J. WHITE, Solicitor,  
Montreal.

## CHAPTER 62.

## An Act to confirm By-Law No. 234 of the Town of Newmarket.

*Assented to 1st April, 1899.*

## Preamble.

WHEREAS the Municipal Corporation of the Town of Newmarket has by petition represented that the Office Specialty Company, Limited, has its manufacturing establishment in the Town of Newmarket, employing therein a large number of hands, and that the said company finds that the buildings owned by it in the said town are too small to enable the said company to carry on its business to the fullest advantage, and it is proposed that the said manufacturing business shall be extended, and that the said company shall build such additional buildings as shall be necessary within the said town; and whereas it is further represented that the said company being the owner of about thirteen acres of land in the Town of Newmarket known as the Marsden Hill Flats, which it does not require for the purposes of its business is willing to sell the same to the Town of Newmarket for the consideration of \$5,000, which sum the town is willing to pay to the company for the said land providing the company will agree to expend the said purchase money therefor in the erection of such additional buildings as above mentioned; and whereas it is represented that the said thirteen acres of land would be suitable for the purposes of a town park; and whereas it has been shown that the said company is willing to agree to expend such purchase money in the construction of such buildings as aforesaid and has already, as earnest of its good faith, expended a considerable sum of money in erecting a

portion



portion of such buildings, and the terms of an agreement to the foregoing effect have been arrived at between the corporation and the company and further that the said corporation has passed a by-law, No. 234, set forth in Schedule "A" hereto and that the said by-law was on the 29th day of August, 1898, carried by a majority of 98 votes out of a total vote cast of 226, such total vote being amongst the largest ever cast on a money by-law in the said town; and whereas the said corporation by the said petition has further represented that it is desirable and in the interests of the Town of Newmarket that the said thirteen acres of land shall be acquired by the said corporation and that the said \$5,000, the purchase money thereof, shall by the company be expended in erecting such additional buildings within the said Town of Newmarket, and that in order to carry out such agreement and raise the said sum of \$5,000 wherewith to complete the purchase of said thirteen acres it is necessary that power shall be granted to the corporation by an Act of this Legislature to raise funds on the security of debentures to be issued under the provisions of such by-law and that the said by-law shall be validated and confirmed by an Act of this Legislature; and whereas no opposition has been offered to the said petition; and whereas it is expedient to grant the prayer of the said petition.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall be lawful for the Corporation of the Town of Newmarket to purchase and acquire from the Office Specialty Company Limited, the said thirteen acres of land referred to in the preamble hereof and to pay the said company therefor the sum of \$5,000, to be by the said company expended in the erection within the Town of Newmarket of additional buildings for the extension of their manufacturing business.

Authority to  
purchase land  
for park  
purposes.

2. The said by-law of the Corporation of the Town of Newmarket No. 234, entitled as set forth in the preamble to this Act, is confirmed and declared to be valid and binding from the time of the passing thereof, to all intents and purposes, and the said corporation is declared to be authorized by the said by-law No. 234 to raise by way of loan the sum of \$5,000, by the issue of debentures for that sum as in the said by-law No. 234 set forth, and to levy an annual rate on all the rateable property within the said town sufficient for the payment of the said debentures and the interest thereon as in the said by-law set forth; provided that the said The Office Specialty Company, Limited, shall on their part execute and carry out their part of the agreement referred to in the preamble to this Act.

By-law No.  
234 confirmed.

## SCHEDULE "A."

## BY-LAW No. 234.

To raise the sum of \$5,000.00 to be expended in and towards erecting additional buildings in the Town of Newmarket for The Office Specialty Company, Limited, and for buying from the said company for the use of the town the property commonly known as the Marsden Mill Flats in the said town.

Whereas at a meeting of the ratepayers of the town of Newmarket, called to discuss the purpose, it was deemed advisable to advance the sum of \$5,000.00 for the above purposes, and a resolution was passed requesting the council of the said town to pass a by-law for borrowing the sum of \$5,000 upon the credit of the municipality for said purposes.

And whereas the municipal council of the town of Newmarket has considered it advisable to comply with said request.

And whereas to raise the said sum the said council deems it advisable to extend payment for the same over a period of twenty years, by the issue of debentures, bearing interest at four per centum per annum, extending over a period of twenty years as aforesaid, repayable by annual instalments of both principal and interest; such instalments to be so arranged that the aggregate amount of principal and interest payable in any one year shall be equal to what is payable for principal and interest in each of the other years during the said term;

And whereas the total amount to be raised annually, by special rate sufficient therefor, on all the rateable property of the municipality for paying the said debt and interest, will be the sum of \$367 90/100ths each year during the said period of twenty years;

And whereas the amount of the whole rateable property (liable to taxation for such purposes) of the municipality, according to the last revised assessment roll, being for the year 1898, is the sum of \$506,190.00;

And whereas the whole debenture debt of the municipality amounts to \$57,195 62/100ths, of which no portion of principal or interest is in arrear;

Be it therefore enacted by the municipal council of the corporation of the town of Newmarket as follows:

1. That the mayor is hereby authorized, and required, to issue debentures of the said corporation to the amount of five thousand dollars, which shall be marked and known as "The Office Specialty Co's Debentures," and shall be in sums of not less than one hundred dollars each, and shall be sealed with the corporate seal of the said corporation, and signed by the mayor and treasurer thereof, and shall be payable within twenty years from the date hereinafter mentioned for this by-law to come into effect, at the office of the treasurer of the town of Newmarket, with interest at four per centum per annum, as follows, that is to say: The said principal sum in twenty annual instalments, and the interest at the rate aforesaid annually during said term, the aggregate amount of such instalments of principal and annual payment of interest, shall be the sum of \$367 90/100ths in each year.

2. For the purpose of paying the said sum of \$5,000 and to cover interest on the said amount as aforesaid, the sum of \$367 90/100ths shall be levied by a special rate, over and above all other rates, in the same manner and at the same time as other taxes are levied, upon the whole rateable property of the said town liable to be rated therefor, in each year for the period of twenty years from the date hereinafter mentioned for this by-law to take effect, during which the said debentures have to run.

3. This by-law shall come into force and take effect on the first day of December, A.D. 1898, if previously assented to by the electors of this corporation legally qualified to vote thereon.

4. This by-law shall be submitted for the assent of the electors of the said town under the provisions of "*The Municipal Act*," and on Monday, the twenty-ninth day of August, A. D. 1898, at the hour of nine o'clock in the forenoon, the poll will be open to take the votes of the qualified electors of the said municipality on said by-law, and the poll will close at five o'clock in the afternoon on same day.

5. The places for taking said votes, and the deputy-returning officers of the several wards of the said town, respectively, shall be as follows : For St. George's ward—M. W. Bogart, deputy-returning officer : polling place, John Mitchell's house ; for St. Andrew's ward—John Savage, deputy-returning officer : polling place, the market building ; for St. Patrick's ward—A. J. McCracken, deputy-returning officer : Polling place, the council chamber.

6. That on Monday, the fifteenth day of August, A.D. 1898, at the hour of eight o'clock in the afternoon, at the council chamber of the said town, the mayor shall appoint in writing the persons to attend at the polling places, and at the final summing of the votes, on behalf of the persons interested in, and promoting or opposing, respectively, the passing of this by-law.

7. That the clerk of the said municipality shall attend at the council chamber in the said town, at twelve o'clock, noon, on Wednesday, the 31st day of August, 1898, to sum up the votes given for and against this by-law.

Passed this 19th day of September, 1898.

[L.S.]

(Sgd.) H. S. CANE,  
Mayor.

(Sgd.) DAVID LLOYD,  
Clerk.

## CHAPTER 63.

## An Act respecting the Town of Niagara Falls

*Assented to 1st April, 1899.*

## Preamble.

WHEREAS by an Act passed by the Legislature of Ontario in the forty-eighth year of Her Majesty's reign and chaptered 65, it is provided that the Corporation of the Town of Niagara Falls may make with the Canada Southern Railway Company, the Niagara River Bridge Company, and the Michigan Central Railway Company, arrangements in renewal of or similar to the one in the by-law confirmed by the said Act and set forth therein; and whereas the municipal Corporation of the Town of Niagara Falls have by their petition represented that the said corporation have by by-law number 401, passed on the 5th day of December, 1898, agreed with the said companies to settle the assessment on the property, both present and future, of the said companies for the period of ten years at the fixed sum of \$150,000; and whereas doubts have been expressed as to whether the power to pass the said lastly mentioned by-law is strictly in accordance with the powers granted by the said Act, and it is provided in the said by-law that the same shall be confirmed by this Legislature; and whereas the Town of Niagara Falls and all of the said companies have petitioned that the said by-law may be confirmed; and whereas it is expedient that the said by-law should be confirmed and the said Act amended so that other municipalities may make arrangements of a similar character;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—



1. The by-law of the Municipal Corporation of the Town of Niagara Falls, set forth in Schedule "A" hereto annexed, passed on the 6th day of December, 1898, as number 401, is hereby legalized, confirmed and declared to be legal, valid and binding, notwithstanding anything in any Act contained to the contrary thereof, and such by-law shall have the same force and effect as if incorporated in this Act.

By-law No.  
401 confirmed.

2. The Corporation of the Town of Niagara Falls may from time to time make with the companies mentioned in the said by-law agreements or arrangements in renewal of the one in the said by-law mentioned, upon such terms and for such period as the council of the said corporation may decide upon, and may pass by-laws for that purpose. Provided that no such by-law shall be valid or operative for a period longer than twenty years from the date of the final passing of such by-law.

Renewal  
agreements.

3. In addition to the powers conferred by the Act passed in the forty-eighth year of Her Majesty's reign, chaptered sixty-five, it shall be lawful for the corporation of any municipality through any part of which any line or branch of the Canada Southern Railway Company has been or may hereafter be constructed, to settle the assessment of the property, within such municipality, of the said company, both present and future, either in whole or in part, at a fixed amount, and for such term of years, not exceeding ten years, as such municipal corporation may deem expedient.

Authority to  
municipalities  
to fix assess-  
ment.

---

## SCHEDULE A.

### BY-LAW No. 401.

Respecting the taxes of the Canada Southern Railway Company and other Railway Companies.

Whereas differences exist between the corporation of the Town of Niagara Falls, on the one side, and the Canada Southern Railway Company, the Niagara River Bridge Company, and the Michigan Central Railway Company, on the other side, in reference to the assessment and taxation by the corporation of the Town of Niagara Falls of the properties belonging to the said companies within the municipality of Niagara Falls.

And whereas such differences exist, both as regards the legal right of the said municipality to assess and tax portions of the said property, as well as the amount for which the property should be assessed and taxed.

And whereas by an Act of the Province of Ontario, 48 Victoria, chapter 65, the corporation is empowered to make with the said companies agreements or arrangements respecting the taxation of the properties of the said companies within the municipality, and it has been agreed between the corporation and the said companies that for the purpose of settling such differences for the next ten years the annual assessment of all the properties of the said companies shall be fixed at the sum of \$150,000, during the said period, but that the legal rights of the corporation and the said companies shall not be affected by anything herein contained when this by-law ceases to be operative.

And

And whereas the corporation have agreed to petition the Legislature for an Act to legalize this by-law in case that may be necessary : such legislation to be obtained at the expense of the said companies.

Be it therefore enacted that the annual assessment of all the real estate, property and effects of the Canada Southern Railway Company, the Niagara River Bridge Company, and the Michigan Central Railway Company, within the municipality of Niagara Falls, whether at present in possession or hereafter to be acquired, shall be and the same is hereby fixed at the sum of \$150,000, for each and every of the years 1899 to 1908, both inclusive.

And be it further enacted that the mayor and clerk of this corporation be authorized to execute a petition under the seal of this corporation to the Legislature of the Province of Ontario, asking that this by-law may be legalized.

Read a third time and passed in council this fifth day of December, A.D. 1898.



(Sgd.) FRED W. HILL,  
Mayor.

(Sgd.) JOHN ROBINSON,  
Town Clerk

## CHAPTER 64.

## An Act respecting the Town of Orillia

*Assented to 1st April, 1899.*

**W**HEREAS the council of the Municipal Corporation of the Town of Orillia, have by their petition, represented that they have acquired lot number eleven in the eleventh concession of the Township of Matchedash, and leased a certain water power and privileges in connection therewith or adjacent thereto, at the Ragged Rapids on the River Severn in the Township of Matchedash in the County of Simcoe, and desire to erect, construct, build, acquire, hold, instal, maintain, and operate all machinery, buildings, excavations, erections, dams, poles, wires, equipments, and plant requisite and necessary for the generating, supplying, furnishing and transmitting Electric Power thereat and therefrom to the said Town of Orillia and elsewhere, within a radius of five miles thereof, with the right and privilege to distribute, sell and dispose thereof for lighting, heating, manufacturing and other purposes and uses; and whereas the said Council have introduced and read a first and second time By-Law No. 325 which said By-Law has received the assent of a majority of the rate-payers of the said Town of Orillia, who voted thereon, only sixty-five ratepayers having voted against the same, while over three hundred and fifty voted for same and which By-Law is fully set out in Schedule "A" hereto annexed, and desire, for the purposes aforesaid, to borrow \$75,000 repayable as in the said by-law fully set out; and whereas it has been shown that the said corporation has for several years past been operating a system of electric lighting under the management and control of the municipal council of the said corporation; and whereas it is expedient to grant the prayer of the said petition;

Therefore

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to instal electric plant.

1. It shall be lawful for the municipal council of the Town of Orillia to erect, construct, build, procure, acquire, hold, instal, maintain and operate all machinery, buildings, excavations, erections, dams, poles, wires, attachments equipments, materials and plant requisite and necessary for the generating, making, supplying, furnishing and transmitting electric power at and from a certain water power and privileges on the Ragged Rapids in the River Severn adjacent to, or in connection with broken lot number eleven in the eleventh concession of the Township of Matchedash, in the County of Simcoe, to the Town of Orillia for lighting, heating, manufacturing and such other purposes and uses as shall or may be found desirable, and to distribute, sell and dispose of such electric power in the Town of Orillia and elsewhere, within a radius of five miles from the outside boundary thereof, for the purposes and uses aforesaid; and also to sell and dispose of all or any surplus power or electric energy, delivering the same at or from their power house on the said lot number eleven in the eleventh concession of the Township of Matchedash.

Power to enter on highways, etc.

2. It shall be lawful for the said corporation of the Town of Orillia, their servants, agents and workmen from time to time, and at such times as they shall see fit, and they are hereby authorized and empowered to enter into and upon such streets, roads, highways, lanes, or other passages and lands of the Corporations of the Townships of Orillia and Matchedash and the County of Simcoe as may be necessary, and the same to cut and dig up, if necessary, and to lay down pipes, erect poles, and wires and do other works necessary for the supplying, furnishing and transmitting of the said power, on, through, over, along and upon the public streets, roads, highways, lanes, passages and lands of the said Corporations of the Townships of Orillia and Matchedash and County of Simcoe, between the said lot eleven and the said Town of Orillia, doing as little damage as may be in the exercise of the powers hereby granted to the said Town of Orillia.

(2) Provided that the powers to be exercised by the Corporation of the Town of Orillia under this section within the limits of the Township of Orillia shall be subject to and in accordance with the provisions of the by-law number 664 of the said Township of Orillia, set forth in Schedule "C" hereto, which by-law is hereby validated and confirmed.

Authority to issue debentures.

3. It shall be lawful for the corporation of the Town of Orillia for the purposes aforesaid, to pass by-law number 325 of the said Town of Orillia, set forth in Schedule A hereto, to authorize the issue of debentures of the said corporation for, and borrow a sum



of money not exceeding seventy-five thousand dollars, in such sums of not less than one hundred dollars each, as the said corporation may deem expedient, which said debentures shall be made payable not more than thirty years from the day on which they respectively bear date, and may be in the form in Schedule "B" to this Act set forth, which said debentures shall bear interest at a rate not exceeding four per cent. per annum, payable half yearly, and such debentures shall be signed by the mayor and the treasurer of the said Town of Orillia, for the time being, and may be made payable either in sterling currency in Great Britain, in this Province or elsewhere as to the said council of the said Corporation of the Town of Orillia shall seem expedient.

4. No irregularity in the form of the said debentures or the said by-law number 325 authorizing the issue of the same, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the corporation for the recovery of the said debentures or interest or any or either of them, or any part thereof.

Irregularity  
in form  
not to invali-  
date.

## SCHEDULE A.

### BY-LAW No. 325.

For the purpose of raising by way of debentures the sum of seventy-five thousand dollars for the installation of an Electrical Power and Transmission Plant, between the "Ragged Rapids," on the Severn River, and the Town of Orillia the distribution of said power in the said town and other purposes necessary to give an efficient service for both power and light.

Whereas it is necessary and advisable to increase the present amount of electrical power for the use of the corporation of the Town of Orillia, and at the same time furnish the citizens of the said town and others, with the advantages of cheap power for manufacturing and other purposes.

And whereas it will require the sum of seventy-five thousand dollars to be raised by debentures for the purpose of installing an electrical and power transmission plant, as aforesaid,

And whereas it will be requisite to raise the several sums in each year respectively set forth in the schedule to this By-Law amounting to the sum of \$4,337.26 annually over and above all other rates and assessments,

And whereas the amount of the whole rateable property of the said corporation, according to the last revised assessment roll, amounts to \$1,336,055,

And whereas the amount of the existing debenture debt of the said corporation is \$143,917.40, and no principal or interest is in arrears,

Therefore the municipal council of the corporation of the Town of Orillia by its council enacts as follows :—

1. That it shall be lawful for the mayor of the said town, for the purposes aforesaid, to borrow the said sum of seventy-five thousand dollars, and to issue debentures of the said municipality to the amount of seventy-five thousand dollars, in sums of not less than one hundred dollars each, payable in the manner, for the amounts, and at the time respectively set forth in the Schedule to this by-law.

2. That the said debentures shall have attached to them coupons for the payment of interest at the rate of four per cent. per annum, which coupons shall be signed by the mayor and the treasurer, and shall be payable half yearly during the continuance of said debentures.

3. That the said debentures as to principal and interest shall be payable at the Trader's Bank, in the Town of Orillia.

4. That it shall be lawful for the mayor of the said municipality and he is hereby authorized and instructed to sign and issue the said debentures and to cause the same and the interest coupons thereto attached to be signed by the treasurer of the said municipality, and the clerk of the said municipality is hereby authorized and instructed to attach the seal of the said municipality to the said debentures.

5. There shall be raised and levied in each year, for thirty years, by special rate on all the rateable property in the said municipality, the sum of \$4,337.26, being a sum sufficient to discharge the several instalments of principal and interest accruing due on the said debt, as the same become respectively payable according to the following schedule :—

No.	Year when Payable.	Amount of Principal.	Interest when Payable.	Interest Amount.	Total Levy Yearly.
			Aug. 14,	1899	\$1500 00
1	1900	\$1337 26	Feb. 14,	1900	1500 00
			Aug. 14,	1900	1473 26
2	1901	1390 75	Feb. 14,	1901	1473 25
			Aug. 14,	1901	1445 44
3	1902	1446 38	Feb. 14,	1902	1445 44
			Aug. 14,	1902	1416 51
4	1903	1504 23	Feb. 14,	1903	1416 51
			Aug. 14,	1903	1386 43
5	1904	1564 40	Feb. 14,	1904	1386 43
			Aug. 14,	1904	1355 14
6	1905	1626 98	Feb. 14,	1905	1355 14
			Aug. 14,	1905	1322 60
7	1906	1692 06	Feb. 14,	1906	1322 60
			Aug. 14,	1906	1288 76
8	1907	1759 74	Feb. 14,	1907	1288 76
			Aug. 14,	1907	1253 56
9	1908	1830 13	Feb. 14,	1908	1253 57
			Aug. 14,	1908	1216 96
10	1909	1903 33	Feb. 14,	1909	1216 96
			Aug. 14,	1909	1178 89
11	1910	1979 47	Feb. 14,	1910	1178 90
			Aug. 14,	1910	1139 30
12	1911	2058 65	Feb. 14,	1911	1139 31
			Aug. 14,	1911	1098 13
13	1912	2140 99	Feb. 14,	1912	1098 14
			Aug. 14,	1912	1055 31
14	1913	2226 63	Feb. 14,	1913	1055 31
			Aug. 14,	1913	1010 78
15	1914	2315 70	Feb. 14,	1914	1010 78
			Aug. 14,	1914	964 47
16	1915	2408 32	Feb. 14,	1915	964 46
					4337 25
					No.

No.	Year when Payable.	Amount of Principal.		Interest when Payable.	Interest Amount.	Total Levy Yearly.
			Aug. 14,	1915	\$916 30	
17	1916	\$2504 66	Feb. 14,	1916	916 30	\$4337 26
			Aug. 14,	1916	866 20	
18	1917	2604 84	Feb. 14,	1917	866 21	4337 25
			Aug. 14,	1917	814 11	
19	1918	2709 04	Feb. 14,	1918	814 11	4337 26
			Aug. 14,	1918	759 93	
20	1919	2817 40	Feb. 14,	1919	759 93	4337 26
			Aug. 14,	1919	703 58	
21	1920	2930 09	Feb. 14,	1920	703 58	4337 25
			Aug. 14,	1920	644 98	
22	1921	3047 30	Feb. 14,	1921	644 98	4337 26
			Aug. 14,	1921	584 03	
23	1922	3169 19	Feb. 14,	1922	584 04	4337 26
			Aug. 14,	1922	520 65	
24	1923	3295 96	Feb. 14,	1923	520 65	4337 26
			Aug. 14,	1923	454 73	
25	1924	3427 80	Feb. 14,	1924	454 73	4337 26
			Aug. 14,	1924	386 17	
26	1925	3564 91	Feb. 14,	1925	386 18	4337 26
			Aug. 14,	1925	314 87	
27	1926	3707 50	Feb. 14,	1926	314 88	4337 25
			Aug. 14,	1926	240 72	
28	1927	3855 81	Feb. 14,	1927	240 73	4337 26
			Aug. 14,	1927	163 61	
29	1928	4010 04	Feb. 14,	1928	163 61	4337 26
			Aug. 14,	1928	83 41	
30	1929	4170 44	Feb. 14,	1929	83 41	4337 26

This by-law shall take effect on the fourteenth day of February, A.D. 1899.

7. The vote of the ratepayers of the said municipality shall be taken on this by-law at the following times and places, that is to say on Monday, the sixth day of February, A.D. 1899, at the hour of nine o'clock in the forenoon, and continuing until five o'clock in the afternoon of the same day at the south ward on first polling sub-division at J. D. Fortier's shop on Peter street and that James B. Henderson shall be deputy returning officer; at the north ward or second polling sub-division at the fire hall on Peter street and that Fred Webber shall be the deputy returning officer; at the west ward or third polling sub-division at the new council chambers, on West street, and that W. T. Y. Lee shall be the deputy returning officer.

8. On the fourth day of February, 1899, the mayor shall attend at the council chambers at ten o'clock in the forenoon to appoint persons to attend at the various polling places and at the final summing up of the votes by the clerk respectively on behalf of the persons interested in promoting or opposing the passing of this by-law.

9. The clerk of the council of the said municipality shall attend at the council chambers, in the Town of Orillia at twelve o'clock noon of the seventh day of February, A.D. 1899, and sum up the number of votes given for and against this by-law.

Dated at the Town of Orillia, this 14th day of February, A.D. 1899.

Take notice that the above is a true copy of a proposed by-law which has been taken into consideration and which will be finally passed by the Council of the Town of Orillia (in the event of the assent of the electors being

being obtained thereto) after one month from the first publication in the News-Letter newspaper, which date was Thursday, January 12, 1899, and at the hour, day, place or places therein fixed for taking the votes of the electors the polls will be held.

C. E. GRANT,  
Clerk Town of Orillia.

---

## SCHEDULE B.

### TOWN OF ORILLIA LOAN DEBENTURE NO.

Under and by virtue of the Act passed in the sixty-second year of the reign of Her Majesty Queen Victoria, and chaptered                      and by virtue of By-law No.                      of the corporation of the Town of Orillia, passed under the provisions of the said Act, the corporation of the Town of Orillia promises to pay the bearer, at the Traders' Bank of Canada in the said Town of Orillia, the sum of                      dollars on the                      day of                      A.D. 18                      and the half yearly coupons hereto attached, as the same shall severally become due.

Dated at Orillia, in the County of Simcoe, this                      day of                      A.D. 1899.

{ L.S. }

Mayor.

Treasurer.

---

## SCHEDULE C.

### BY-LAW NO. 664 OF THE TOWNSHIP OF ORILLIA, IN THE COUNTY OF SIMCOE.

Whereas the Corporation of the Town of Orillia have represented that they intend to erect, complete and operate an electrical power transmission plant on lot number eleven in the eleventh concession of the Township of Matchedash, in said county, and will find it necessary and requisite to erect poles and string wires along and upon certain highways in the Township of Orillia.

Therefore the Corporation of the Township of Orillia, in the County of Simcoe, enacts as follows :—

1. The said Town Corporation are hereby authorized to erect poles and string their wires along the following roads and highways or allowances for roads on the Township of Orillia, that is to say : Commencing at a point in the road or highway in the town line between the Township of Orillia and the Township of Matchedash, where it is intersected by the line between the fifth and sixth concessions of the Township of Orillia, thence along said concession line between the fifth and sixth concessions aforesaid, thence along the side-line between lots number                      and                      in the concession and thence to the limits of the Town of Orillia, and also, if necessary, in an easterly direction from the point of commencement along the said town line to where it crosses Severn River, subject, however, to the following conditions :—

(a)



(a) All poles shall be reasonably sound and straight, cleanly barked and closely knotted, sunk not less than five feet in the ground, and having a height of not less than twenty-five feet from the surface of the ground to the cross-arms carrying the wires, and the said poles shall not be less than six inches in diameter at the top or thinnest part thereof.

(b) The said poles shall not be more than 100 feet apart.

(c) The said poles shall be placed in such position on the said highways as the township council or any committee thereof or engineer appointed in that behalf may direct. Where any trees belonging to or the property of the said township are trimmed or cut down, it shall only be done under the direction of the said township council and with the consent of the said township council.

(d) All trees cut down or killed are to be paid for by the said town corporation at their fair and reasonable value.

(e) All poles, where necessary, shall be securely guyed, with guys properly anchored, and the said town corporation shall secure all privileges from private individuals for that purpose, which may be necessary, and shall at all times keep the poles in an upright and safe condition and the wires firmly attached to the poles.

2. All expenses of laying out the line for poles and under this by-law shall be paid for by the said town corporation.

3. The said town corporation shall indemnify and save harmless the said township corporation from all damages or claims for damages of every kind resulting from or in any way occasioned by the erection by the said town corporation of their poles and wires, and after erection from all damages or claims for damages of every kind resulting from or in any way occasioned by the working or the existence of their line, or the transmission of power along their wires, or through any default or action on the part of the said town corporation, or their agents or servants, or imperfections of their wires or otherwise, howsoever.

4. No exclusive rights are hereby granted.

5. The said town corporation shall give one week's notice to the township clerk when they propose to locate their line, and where the said township council or their committee shall meet them or their servants or agents and shall at the same time pay all expenses thereby incurred.

6. Where in the judgment of the said township council it shall become necessary to remove any poles the said town corporation shall do so at their own expense, such removal being considered necessary in the public interests.

7. In case of any trouble or dispute arising between the said town corporation and any telephone or telegraph company, the said town corporation shall save the township harmless from all costs or damages that may be incurred.

8. Notwithstanding anything herein contained, the said Township of Orillia shall not be considered as granting the right to cut any timber on the roads herein mentioned, where such timber or the right to cut the same may have been sold to private individuals, and in such cases the said town corporation must arrange for the right to cut such timber with the owners thereof or the persons having the right to cut the same.

9. This by-law shall be null and void if poles and wires are not erected and the line in operation, as in this by-law specified, on or before the first day of January, A.D. 1901.

Passed in council this

day of February, A.D. 1899.



Reeve.

Clerk.

CHAPTER

## CHAPTER 65.

## An Act respecting the Town of Oshawa.

*Assented to 1st April, 1899.*

## Preamble.

**W**HEREAS the Municipal Corporation of the Town of Oshawa have by their petition shewn that by-law No. 460 of the said corporation to authorize the issue of debentures for the sum of \$110,000 for the construction of a system of waterworks and sewers in the said town was duly passed by the council of the said corporation on the 23rd day of January, A.D. 1899, after having been, upon due publication of the same and of all necessary and proper notices and estimates in respect thereof, duly voted upon by the qualified electors of the said town and duly declared to have been carried by a majority of 67 out of a total of 481 votes cast; that the said by-law (a copy whereof is contained in Schedule A to this Act) is not within the powers of the said corporation by reason of the payments of the said debentures being thereby extended for a period of 40 years and otherwise; that it is provided in and by said By-law that the same shall not come into effect until approved of and confirmed by an Act of the Legislature of the Province of Ontario; that doubts also have been expressed as to the legality of the division of the said sum into two parts for waterworks and sewers respectively and otherwise and it is desirable to set the same at rest; that the said corporation proposes to issue the said debentures either in one sum or such sums as may be required from time to time for the said purposes as the work shall proceed; and whereas the said corporation have by their said petition prayed that an Act may be passed validating and confirming the said by-law and for other purposes incidental thereto in order to give the same due effect; and whereas it is expedient to grant the prayer of the said petition;

Therefore,

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. The said by-law number 460 of the said the Corpora-  
tion of the Town of Oshawa (a true copy whereof is set out in  
Schedule A to this Act) is hereby approved of, validated and  
confirmed, and with the debentures to be issued in pursuance  
thereof and of this Act and the interest coupons to such  
debentures declared to be legal and binding upon the said  
Town of Oshawa and the ratepayers thereof to the fullest  
extent and for all purposes whatsoever notwithstanding any  
deficiency in form, mode of passing or otherwise of the said  
by-law and debentures respectively, and notwithstanding any  
Act, matter or thing to the contrary whatsoever, and notwith-  
standing any want of authority of the said corporation in  
respect thereof.

By-law No.  
460 confirmed.

2. The said corporation may at any time whether before  
or after the taking effect of said by-law direct the issue of the  
debentures to be issued pursuant to said by-law and this Act  
in such manner and in such amounts as may be from time to  
time required for the several purposes set out in the said by-law,  
and may issue such debentures either in sterling money of  
Great Britain or in lawful money of Canada and either in one  
issue for the whole amount of \$110,000 as set out in the  
Schedule to the said by-law or, in case it be deemed desirable not  
to issue the whole amount at one time, then for such aliquot  
part or parts of said yearly sums or payments as may be from  
time to time required, issuing such debentures in such manner  
as that the whole amount payable for principal and interest  
in respect of each of such issues in any one year shall be as  
nearly as possible equal to what shall be payable in respect of  
such issues respectively in each of the other years during the  
period of 40 years during which said debentures are and may  
be made payable and may continue such issues of said debentures  
until debentures to the whole amount of \$110,000 shall  
have been issued for the said several purposes; and the said  
corporation shall raise and levy by a special rate in each year  
sufficient therefor on all the rateable property in the said Town  
of Oshawa a sum sufficient to discharge the several annual  
payments of principal and interest of such issues respectively  
as the same become respectively due.

Authority to  
issue debentures.

3. Any provisions contained in *The Municipal Act* inconsistent  
and any amendments thereto which are or may be in-  
consistent with the provisions of this Act or any of them  
shall not apply to the said by-law or debentures, and no  
irregularity in the form of the said debentures issued pursuant  
or the said by-law and this Act shall render the same invalid  
to illegal or be allowed as a defence to any action brought  
against the said corporation for the recovery of the amount of  
the

Inconsistent  
provisions of  
Rev. Stat.  
c. 223 not to  
apply.



the said debentures and interest or any or either of them or any part thereof, and the purchaser or holder thereof shall not be bound to enquire as to the necessity for the issue of such debentures or any thereof or as to the application of the proceeds thereof.

## SCHEDULE A.

### BY-LAW No. 460.

Of the Corporation of the Town of Oshawa, to authorize the issue of debentures for the sum of \$110,000 for the construction of waterworks and sewers in and for the Town of Oshawa.

Whereas it is expedient to construct a system of waterworks and sewers in said town, together with the necessary machinery and plant therefor, for the purpose of supplying water for domestic use, fire protection, and other purposes, and to carry away properly the sewage of said town :

And whereas the total estimated cost of the said waterworks and sewers is \$110,000, of which it is estimated \$80,000 will be required for waterworks and \$30,000 for sewerage system, and in order to raise the same it will be necessary to issue debentures as herein provided :

And whereas it is deemed expedient so to issue such debentures as that the said sum of \$110,000 and interest at three and one-half per cent. per annum shall be repaid in forty equal annual instalments, in the forty years next after the coming into effect of this by-law, and that such yearly instalments shall be of equal amounts :

And whereas. to that end it will be requisite to raise by a special rate in each year, respectively, the several sums set out in the schedule to this by-law, viz : a total of \$5151, in each year, as set forth in said schedule :

And whereas, the amount of the whole rateable property of the said municipality of Oshawa, according to the last revised and equalized assessment roll, amounts to \$1,108,330 :

And whereas, the amount of the existing debt of said municipality is \$38,033.55, on account of principal, and \$22,223.19. on account of interest, and no portion of principal or interest is in arrear :

And whereas, it is desirable, subject to the assent of the qualified electors of said corporation, and of the legislature of the Province of Ontario, to borrow and expend for the purposes aforesaid, the said sum of \$110,000 :

Therefore the municipal council of the corporation of the Town of Oshawa enacts as follows :

1. That it shall be lawful for this corporation to construct and maintain a system of waterworks and sewers, together with all buildings, machinery and plant therefor, subject to the provisions of *The Municipal Act*, and *The Municipal Waterworks Act*, and any amendments thereto, and subject to any by-law of this corporation lawfully to be passed relating thereto.

2. It shall be lawful for the head of the said corporation of the said Town of Oshawa, for the purposes aforesaid, to borrow the said sum of \$110,000, of which sum an amount not exceeding \$80,000 shall be for waterworks, and the balance of the \$110,000 shall be for sewerage, and to issue debentures of said municipality in sums of not less than

\$100.00



\$100.00 each, which debentures shall bear date on the day on which this by-law takes effect, and bear interest at the rate of three and one-half per cent. per annum, payable yearly from said date, and shall have coupons attached for the payment of interest and be payable in the manner, for the amounts, and at the times set forth in said schedule.

3. The said debentures, as to principal and interest, shall be payable at the office of the treasurer of the said corporation.

4. It shall be lawful for the head of the said corporation, and he is hereby authorized and instructed to sign and issue the said debentures hereby authorized to be issued, and to cause the same and the interest coupons attached thereto to be signed by the treasurer, and the clerk of the said corporation is hereby authorized and instructed to attach the seal of the corporation to the said debentures.

5. There shall be raised and levied in each year, by a special rate sufficient therefor, on all the rateable property in the said municipality of Oshawa, the sum of five thousand one hundred and fifty-one dollars (\$5,151.00), being a sum sufficient to discharge the several instalments of principal and interest accruing due on said debt as the same become respectively due according to the said schedule to this by-law.

6. This by-law shall not take effect until it shall have been approved of and confirmed by an Act of the Legislature of the said Province of Ontario, and shall take effect on the first day of July next after the date of the passing of such an Act.

7. The head of this corporation is hereby authorized to take the necessary steps to procure the due passage of such an Act of said Legislature. The head of the corporation may cause the said debentures to be issued or a sufficient amount thereof, as may be required from time to time, as the works proceed, to be sold or hypothecated, and the proceeds thereof applied for the purposes above specified and for no other purpose.

8. The votes of the qualified electors of said corporation shall be taken on this by-law on Saturday, the twenty-first day of January, A.D. 1899, and the polls shall be open at the hour of 9 o'clock a.m. and closed at the hour of 5 o'clock p.m., and the polling divisions and places for taking such votes and the deputy returning officers shall be as follows :

For the district or part of said town known as the South West Ward, the Sons' Hall School House, and Mr. J. O. Guy shall be the deputy returning officer.

For the district or part of the said town known as the South East Ward, Albert Street School, and Mr. John S. Beaton shall be deputy returning officer.

For the district or part of the said town known as the North West Ward, the Town Hall, and Mr. John A. Thomson shall be deputy returning officer.

For the district or part of said town known as the North East Ward Mary Street School, and Mr. A. Mackie shall be the deputy returning officer.

9. The head of the corporation shall attend at the office of the clerk of this corporation on Thursday, the 19th day of January, 1899, at the hour of ten o'clock a.m. to appoint persons to attend at the various polling places, and at the final summing of the votes respectively, on behalf of the persons interested in and promoting or opposing the passage of this By-law.

10. The clerk of this corporation shall attend at the Council chamber at 10 o'clock in the forenoon of Monday, the 23rd day of January, 1899, and sum up and declare the number of votes given for and against the said by-law, and if the said by-law shall be carried by the requisite

number

number of votes of the said electors, the same shall be finally considered and passed by the council on the 23rd day of January, 1899, at the hour of eight o'clock in the afternoon at the Council Chamber of said town.

Read a third time and passed 23rd January, 1899.

(Signed) R. McLAUGHLIN,  
Mayor.

(Signed) THOS. MORRIS,  
Town Clerk. [L.S.]

SCHEDULE "A" TO THE FOREGOING BY-LAW OF THE CORPORATION OF  
OF THE TOWN OF OSHAWA.

Year. July 1.	Instalment.	Interest.	Principal paid.	Principal unpaid.
1900.....	\$5,151 00	\$3,850 00	\$1,301 00	\$110,000 00
1901.....	5,151 00	3,804 46	1,346 54	108,699 00
1902.....	5,151 00	3,757 36	1,393 64	107,352 46
1903.....	5,151 00	3,708 56	1,442 44	105,958 82
1904.....	5,151 00	3,658 07	1,492 93	104,516 38
1905.....	5,151 00	3,605 82	1,545 18	103,023 45
1906.....	5,151 00	3,551 73	1,599 27	101,478 27
1907.....	5,151 00	3,495 79	1,655 21	99,879 00
1908.....	5,151 00	3,437 83	1,713 17	98,223 79
1909.....	5,151 00	3,377 87	1,773 13	96,510 62
1910.....	5,151 00	3,315 80	1,835 20	94,737 49
1911.....	5,151 00	3,251 57	1,899 43	92,902 29
1912.....	5,151 00	3,185 10	1,965 90	91,002 86
1913.....	5,151 00	3,116 29	2,034 71	89,036 96
1914.....	5,151 00	3,045 08	2,105 92	87,002 25
1915.....	5,151 00	2,971 37	2,179 63	84,896 33
1916.....	5,151 00	2,895 08	2,255 92	84,716 70
1917.....	5,151 00	2,815 98	2,335 02	80,460 78
1918.....	5,151 00	2,734 39	2,416 61	78,125 79
1919.....	5,151 00	2,649 88	2,501 12	75,709 15
1920.....	5,151 00	2,562 28	2,588 72	73,208 03
1921.....	5,151 00	2,471 67	2,679 33	70,619 31
1922.....	5,151 00	2,377 88	2,773 12	67,939 98
1923.....	5,151 00	2,280 84	2,870 16	65,166 86
1924.....	5,151 00	2,180 38	2,970 62	62,296 70
1925.....	5,151 00	2,076 41	3,074 59	59,326 08
1926.....	5,151 00	1,968 80	3,182 20	56,251 49
1927.....	5,151 00	1,857 42	3,293 58	53,069 29
1928.....	5,151 00	1,742 14	3,408 86	49,775 71
1929.....	5,151 00	1,622 94	3,528 06	46,366 85
1930.....	5,151 00	1,499 35	3,651 65	42,838 79
1931.....	5,151 00	1,371 56	3,779 44	39,187 14
1932.....	5,151 00	1,239 26	3,911 74	35,407 70
1933.....	5,151 00	1,102 35	4,048 65	31,495 96
1934.....	5,151 00	960 65	4,190 35	27,447 31
1935.....	5,151 00	813 99	4,337 01	23,256 96
1936.....	5,151 00	662 20	4,488 80	18,919 95
1937.....	5,151 00	505 09	4,645 91	14,431 15
1938.....	5,151 00	342 48	4,808 52	9,785 24
1939.....	5,151 00	174 28	4,976 72	4,976 72
				0 00

## CHAPTER 66.

## An Act respecting the City of Ottawa.

*Assented to 1st April, 1899.*

**W**HEREAS a petition has been presented praying that it Preamble.  
 may be enacted as hereinafter set forth; and whereas  
 it has been made to appear that a vote of the electors of the  
 City of Ottawa having been taken a large majority voted in  
 favour of the provisions of this Act; and whereas it is ex-  
 pedient to grant the prayer of the said petition:

Therefore, Her Majesty, by and with the advice and con-  
 sent of the Legislative Assembly of the Province of Ontario,  
 enacts as follows

1. Notwithstanding anything contained in chapter 246 of the  
 Revised Statutes of Ontario, entitled *An Act to Prevent the* Authority to  
*Profanation of the Lord's Day*, or in any other Act of run street cars  
 the Legislature of the Province of Ontario it shall be lawful on Sunday.  
 for any street car, tramway or electric railway company which  
 is now or may hereafter be operating in the City of Ottawa,  
 when authorized thereto by by-law of the municipal council  
 of the said city, to run its cars and collect fares on Sundays in  
 the said city and within one and a half miles from the limits  
 of the said city, but only upon such terms and subject to  
 such conditions as may seem proper to the municipal  
 council of the said city, and the said council may regulate  
 the same by by-law;

Provided, however, that nothing herein contained shall be Proviso.  
 deemed to confer powers which are inconsistent or in con-

flict with any provisions or restrictions contained in any charter granted or Act passed by the Parliament of Canada affecting any company now operating or which may hereafter operate a street railway within the limits of the said city ;

Proviso.

Provided, further, that this Act and any by-law or by-laws which may be passed under the authority hereof are and shall be subject to any amendments of the said Revised Statute, chaptered 246, which may hereafter be passed by this Legislature;

Proviso.

Provided, further, that it shall not be lawful for the said company to require any of its employees to work on more than six days per week, but every employee of the company shall be entitled to a full Sunday or other day of twenty-four consecutive hours without labour unless in the case of accident or unusual storm, when temporary additional work is actually necessary ; and in the event of any such employees working on more than six days per week at the demand, request, or with the consent of the company, such employees shall be entitled to have twenty-five per cent. of their wages added to their usual pay for such overtime. Nothing in this proviso, however, shall prevent the superintendent of the road and one assistant, the electrician of the road and one assistant, the chief engineer and one assistant, and the roadmasters not to exceed six in number, engaging in the necessary work of the company for parts of the seven days of the week.

---



## CHAPTER 67.

An Act respecting By-Law No. 1797 of the City of Ottawa and to authorize the Corporation of the City of Ottawa to raise money upon the security of Lansdowne Park.

*Assented to 1st April, 1899.*

WHEREAS the Municipal Corporation of the City of Preamble.  
Ottawa has by its petition prayed that it may be authorized to pass a by-law to extend the time for the compliance by the Ottawa and New York Railway Company with the conditions contained in a by-law of the Municipal Corporation of the City of Ottawa, entitled, "By-Law No. 1797—a by-law to provide for aiding and assisting the Ottawa and New York Railway Company by granting to the said company the sum of seventy-five thousand dollars by way of a bonus, to issue debentures for the same and to authorize the levying of a special rate by the said corporation for the payments of the said debentures and interest," and that it may be also authorized to raise upon the security of the lands and premises in the City of Ottawa known as Lansdowne Park, and the lands recently acquired by expropriation for the enlargement and extension thereof the further sum of \$30,000 for the purpose of paying past liabilities contracted and incurred in connection with the acquisition of land for the enlargement and extension of the said park and the erection and removing and re-erection of buildings thereon, for the completion of certain buildings thereon now incomplete, and of paying for further improvements and the erection of other buildings thereon; and whereas no opposition has been offered to the said petition; and whereas it is expedient to grant the prayer of the said petition.

Therefore

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Power to pass  
by-law grant-  
ing extension  
of time to Ot-  
tawa and New  
York Ry.

1. The municipal council of the Corporation of the City of Ottawa is hereby authorized and empowered to pass a by-law in the form and to the effect as nearly as may be as the by-law set forth in Schedule "A." to this Act, without submitting the same to, or obtaining the assent thereto of the ratepayers of the said city extending the period limited in By-law No. 1797 of the said city, set forth in Schedule "B." to this Act and in a certain agreement between the Corporation of the said City of Ottawa and the Ottawa and New York Railway Company dated the 24th day of December, 1897, and set forth in Schedule "C." to this Act, for the completion and operation by the said Ottawa and New York Railway Company of its line of railway from the City of Ottawa across the St. Lawrence River by a bridge at or near the Town of Cornwall and to a connection with some railway or railways to the City of New York and for the erection of the general workshops of the said company in the City of Ottawa to the first day of July, 1900, and changing the date of the debentures mentioned in the said by-law No. 1797 from the 7th day of February, 1898, to the 7th day of February, 1899, and it is hereby declared and enacted that the said by-law, the passing of which is hereby authorized, shall when passed be valid, legal and binding upon the said municipal corporation and the ratepayers of the said city, notwithstanding that the same shall not have been submitted to, or the assent thereto obtained of, the said ratepayers and without such submission or assent.

Extension of  
time for com-  
pletion of rail-  
way and work  
shops.

2. It is hereby declared that notwithstanding anything contained in any Act of the Legislature of the Province of Ontario, or in the said by-law No. 1797, set out in Schedule "B." hereto, or in any other by-law of the City of Ottawa, or in the agreement between the Corporation of the City of Ottawa and the Ottawa and New York Railway Company set out in Schedule "C." hereto from and after and upon the passing of the said by-law, the passing of which is hereby authorized by the council of the said municipal corporation, the period limited in the said by-law No. 1797 and in the said agreement for the completion and operation by the said railway company of its line of railway and the erection of its general workshops as therein set forth shall be extended to the 1st day of July, 1900, and any debentures that may be issued pursuant to the said by-law No. 1797 and the said agreement and the by-law, the passing of which is hereby authorized shall bear date the 7th day of February, 1899, instead of the 7th day of February, 1898.

By-law and  
agreement as  
amended to  
remain in  
force.

3. Subject to the extension of time and change of date provided for in the foregoing sections of this Act, and notwithstanding

withstanding and after such extension and change the said by-law No. 1797 and the said agreement shall continue to be and be and remain in full force and effect and binding to all intents and purposes upon the said railway company, the said municipal corporation and the ratepayers of the said city, in the same manner and with the same effect as if the said extended period and substituted date had been contained in the said by-law No. 1797 and the said agreement respectively when they were enacted or entered into respectively instead of those actually mentioned therein.

4. It is hereby further declared that any debentures that may be issued by the Corporation of the City of Ottawa in pursuance of said by-law No. 1797, or the by-law, the passing whereof is hereby authorized or either of them shall be valid, legal and binding upon the said corporation and upon the ratepayers of the said city, notwithstanding anything contained in the said agreement or in the said by-law No. 1797 inconsistent with the provisions of this Act or in any Act of the Legislature of the Province of Ontario.

Debentures valid notwithstanding agreement and by-law.

5. The Municipal Corporation of the City of Ottawa is also hereby authorized and empowered to raise by way of loan from any person or persons, body or bodies corporate who may be willing to advance the same, the further sum of \$30,000 for the purpose of paying past liabilities contracted and incurred in connection with the acquisition of land for the enlargement and extension of the premises in the City of Ottawa known as Lansdowne Park and the erection and removing and re-erection of buildings thereon; for the purpose of paying for the completion of certain buildings thereon now incomplete and of paying for further improvements and the erection of other buildings thereon at such rate of interest not exceeding five per cent. per annum as the said corporation may agree to pay therefor and as security for the repayment of the said loan and the interest thereon to grant and mortgage the said lands and premises known as Lansdowne Park and the lands recently acquired by expropriation for the enlargement and extension thereof and to guarantee the repayment of the said loan and the interest thereon.

Power to raise loan respecting Lansdowne Park.

6. The by-law or by-laws of the said corporation authorizing the said loan shall not require to be submitted to, or to have the assent of the ratepayers of the said city before the final passing thereof, nor shall it be necessary that any of the provisions of *The Municipal Act* relating to by-laws creating debts be complied with.

By-law valid without assent of ratepayers and notwithstanding Municipal Act.

## SCHEDULE A.

*(Section 1).*

## BY-LAW No.

A by-law to extend the time for compliance by the Ottawa and New York Railway Company with the conditions contained in a by-law of the Municipal Corporation of the City of Ottawa entitled, "By-law No. 1797—a by-law to provide for aiding and assisting the Ottawa and New York Railway Company by granting to the said company the sum of seventy-five thousand dollars by way of a bonus, to issue debentures for the same and to authorize the levying of a special rate by the said Corporation for the payment of the said debentures and interest."

Whereas by-law No. 1797 of this corporation was passed on the 7th day of February, 1898, providing that it might be lawful for the said corporation to grant by way of bonus to the Ottawa and New York Railway Company towards the construction of their railway which lies between the City of Ottawa and the Town of Cornwall the sum of \$75,000, upon the condition mentioned in the said by-law and in an agreement in writing dated the 24th day of December, 1897, made between the said corporation and the said railway company and to make and issue debentures for the said sum of \$75,000 and to levy and collect an annual rate to provide for the payment of the said debentures and interest.

And whereas amongst other conditions in said by-law and agreement and in one or other of them contained it is provided that the said sum of \$75,000 shall be paid to the said railway company upon and only upon the completion and operation by the said railway company of its line of railway from the City of Ottawa across the St. Lawrence river by a bridge at or near the Town of Cornwall and to a connection with some railway or railways to the City of New York and the erection of the general workshops of the company in the City of Ottawa on or before the first day of July, 1899, and also that a strict compliance by the said railway company with the terms of the said by-law and agreement shall be a condition precedent to the right of the said company to the said sum of \$75,000 or any part thereof.

And whereas the said railway company has completed the construction of and put in operation its line of railway from the City of Ottawa to the Town of Cornwall and has commenced the construction of a bridge across the St. Lawrence river at or near the Town of Cornwall to connect its said line with a railway or railways to the City of New York, but has been prevented from completing the same by reason of an accident whereby two spans of the said bridge of 370 feet in length each while in course of construction collapsed and sank to the bottom of the river.

And whereas from investigation it appears that several of the stone piers constructed in connection with the said bridge will have to be rebuilt.

And whereas by reason of the said accident the said company in addition to loss of business will suffer a loss of from \$150,000 to \$200,000 and by reason of such accident, delay and loss, will be unable to complete its said bridge and to connect with a railway or railways to the City of New York and to erect its general workshops in the City of Ottawa within the time limited in the said by-law and agreement, that is to say on or before the first day of July, 1899.

And whereas the said railway company has applied to the municipal council of the corporation of the City of Ottawa to extend the period limited in the said by-law and agreement for the completion and operation of its said line of railway to a connection with some railway or railways to the City of New York by a bridge across the River St. Lawrence at or near the Town of Cornwall and for the erection of its general workshops in the City of Ottawa to the first day of July, 1900.

And



And whereas it is of the greatest importance to the said City of Ottawa that the said line of railway should be completed and operated to a connection with a railway or railways to the City of New York and the said general workshops erected in the said City of Ottawa.

And whereas the said corporation has been authorised by Act of the Legislative Assembly of the Province of Ontario being Chap. \_\_\_\_\_ of

Victoria to extend the said period so limited in the said by-law and agreement to the 1st day of July, 1900, by by-law without obtaining the assent thereto of the ratepayers.

Therefore the municipal council of the corporation of the City of Ottawa in pursuance of the authority granted by the said Act ordains and enacts as follows :

Notwithstanding anything contained in the said by-law No. 1797 or in the said agreement dated the 24th day of December, 1897, the period limited in said by-law and agreement for the completion by the said Ottawa and New York Railway Company of its line of railway from the City of Ottawa across the St. Lawrence river by a bridge at or near the Town of Cornwall and to a connection with some railway or railways to the City of New York, and for the erection of the general workshops of the said company in the City of Ottawa is hereby extended to the first day of July, 1900, and the date which the said debentures are to bear is hereby changed from the 7th day of February, 1898, to the 7th day of February, 1899, and subject to such changes of dates and extension of time the said by-law No. 1797 and the said agreement of the 24th December, 1897, are hereby declared to be in full force and effect and binding upon the corporation of the City of Ottawa and upon the Ottawa and New York Railway Company in the same manner and to the same extent as if said last mentioned dates had been specified in said by-law and agreement instead of the dates actually specified therein for the said purposes.

Given under the corporate seal of the City of Ottawa, this \_\_\_\_\_ day  
of \_\_\_\_\_ 1899.

Mayor.

City Clerk.

---

## SCHEDULE B.

(Section 1).

### By-Law No. 1797.

A by-law to provide for aiding and assisting the Ottawa and New York Railway Company by granting to the said company the sum of seventy-five thousand dollars by way of a bonus, to issue debentures for the same and to authorize the levying of a special rate by the said corporation for the payment of said debentures and interest.

Whereas the Ottawa and New York Railway Company have made application to the corporation of the City of Ottawa for aiding by way of a bonus towards the construction of their railway leading from the Town of Cornwall in the County of Stormont to the City of Ottawa to the amount of seventy-five thousand dollars, and whereas it is deemed expedient to grant the same.

And whereas for such purpose it is necessary for the said corporation of the City of Ottawa to issue debentures to the said amount of seventy-five thousand dollars in the manner hereinafter appearing, and to provide for the ultimate payment of the same and the interest thereon.

And

And whereas it will require the sum of \$4,575 to be raised annually by a special rate on the whole rateable property of the City of Ottawa for the paying of the said sum of \$75,000 and interest on the debentures to be issued therefor of which the sum of \$3,000 will be for such interest and the sum of \$1,575 for a sinking fund from which to pay the said debentures.

And whereas the amount of the whole rateable property of the said City of Ottawa, according to the last revised assessment roll is \$21,947,635.

And whereas the amount of the existing debenture debt of the said corporation of the City of Ottawa is \$3,378,869 exclusive of local improvement debts secured by special Acts rates or assessments and there is no part of the principal or interest thereof in arrear.

Therefore the council of the corporation of the City of Ottawa enacts and ordains as follows :

1. That it shall and may be lawful for the corporation of the City of Ottawa to grant by way of bonus to the Ottawa and New York Railway Company towards the construction of the said railway which lies between the Town of Cornwall and the City of Ottawa aforesaid the sum of \$75,000.

2. That for the purpose aforesaid it shall be lawful for the mayor of the said corporation and he is hereby authorized and empowered to cause any number of debentures of the said corporation of the City of Ottawa to be made, executed and issued to the amount of seventy-five thousand dollars in sums of not less than one hundred dollars each, which said debentures shall be signed by the said mayor of the said corporation for the time being, and countersigned by the treasurer for the time being of the said corporation and duly sealed with the corporate seal thereof.

3. That the said debentures shall bear date upon and be made payable in thirty years from the day hereinafter appointed for the coming into force of this by-law at the branch agency of the Quebec Bank in the City of Ottawa.

4. That the said debentures shall bear interest at and after the rate of four per cent. per annum from the date thereof and such interest shall be made payable half-yearly, namely on the 7th day of February and on the 7th day of August in each and every year during the currency of the said debentures at the said branch or agency of the Quebec Bank at the City of Ottawa and such debentures shall have attached thereto coupons for such half-yearly interest.

5. For the purpose of paying the said debt hereby created and the interest on the debentures to be issued therefor as aforesaid the sum of \$4,575.00 shall be raised, levied and collected in each year of and from the whole rateable property of the said City of Ottawa by an equal special rate in addition to all other rates during the continuance of such debentures of which the sum of \$3,000 shall be such interest and the sum of \$1,575 for a sinking fund for the ultimate payment of the said debentures.

6. That the said sum of \$75,000 shall be paid to the said Ottawa and New York Railway Company upon and only upon the completion and operation by the said railway company of its line of railway from the City of Ottawa across the St. Lawrence River by a bridge at or near the Town of Cornwall and to a connection with some railway or railways to the City of New York and the erection of the general workshops of the company in the City of Ottawa on or before the first day of July, 1899, and on its compliance with the terms of the agreement hereinafter mentioned.

7. That a strict compliance by the railway company with the terms of this by-law and with the terms of an agreement to be entered into between the said company and the said corporation before the submission of this by-law to the electors shall be a condition precedent to the right of the company to the said sum of \$75,000 or any part thereof.

8. That in the event of the said company failing to comply with the terms of the said agreement or otherwise becoming disentitled to any portion of the said sum of \$75,000 this by-law shall become null and void and of no force and effect.

9. That this by-law shall come into force on the seventh day of February, 1898.

10. The votes of such of the electors of the said City of Ottawa as are by law entitled to vote thereon shall be taken on this by-law on Monday the third of January 1898, commencing at nine o'clock in the morning and continuing until five o'clock in the afternoon at the following places and by the deputy returning officers hereinafter mentioned, that is to say :

#### VICTORIA WARD.

1. All that part of Victoria ward lying north of the centre of Queen street from Pooley's bridge to city limits. Polling place at Press House.

2. All that part of Victoria ward lying south of the centre of Queen street, north of the Richmond road and west of Pooley's bridge to the city limits. Polling place 282 Bridge street.

3. All that part of Victoria ward lying north of Wellington street from Dufferin bridge on the east to Pooley's bridge on the west. Polling place 389 Wellington street.

4. All that part of Victoria ward lying north of the centre of Sparks street, south of the centre of Wellington street, east of the centre of Concession street and west of the Rideau canal. Polling place 196 Wellington street.

#### DALHOUSIE WARD.

5. Bounded on the north by the Richmond road and Wellington street, on the south by Edward street and Primrose ave. and Maple street, on the west by Preston street and on the east by Concession street. Polling place 525 Albert street.

6. Bounded on the north by Edward street and Primrose ave., on the south by Emily street up to its intersection with Bell street, thence southerly along Bell street to its intersection with Louisa street, thence westerly along Louisa street to Division street, on the west by Division street and on the east by Concession street. Polling place at No. 7 fire station.

7. Bounded on the north by Emily street up to its intersection with Bell street, thence southerly along Bell street to its intersection with Louisa street, thence along Louisa street to Division street, on the south by the Rideau canal and Dow's Lake, on the west by Division street and Dow's Lake, on the east by Concession street. Polling place 385 Bell street.

8. Bounded on the north by the Richmond road from the western city limits up to its intersection with Preston street, thence southerly along Preston street to its intersection with Maple street, thence along Maple street to Division street, on the south by blocks 126, 125, 124, 123 and Pine street, on the west by the city limits and on the east by Division street. Polling place 90 Preston street.

9. Bounded on the north by blocks 119, 120, 121, 122, and Pine street, on the south by the Rideau canal and Dow's Lake, on the west by the city limits and on the east by Division street and Dow's Lake. Polling place No. 385 Rochester street.

#### WELLINGTON WARD.

10. Bounded on the north by the centre of Sparks street, on the south by the centre of Albert street, on the east by the centre of Bank street and on the west by the centre of Concession street. Polling place No. 2 fire station.



11. Bounded on the north by the centre of Albert street, on the south by the centre of Maria street, on the east by the centre of Bank street, and on the west by the centre of Concession street. Polling place No. 445 Maria street.

12. Bounded on the north by the centre of Maria street, on the south by the rear line of lots fronting on the south side of Gloucester street, on the east by the centre of Bank street, and on the west by the centre of Concession street, (including Lot No. 1 on the west side of Bank street and Lot No. 1 on the east side of Lyon street). Polling place No. 241 Gloucester street.

13. Bounded on the north by the rear line of the lots fronting on the north side of Nepean street, on the south by the centre of Lisgar street, on the east by the centre of Bank street, and on the west by the centre of Concession street, (including Lot No. 2 on the west side of Bank street, Lot No. 2 on west side of Lyon street and Lot C. on east side of Concession street). Polling place No. 477 Lisgar street.

14. Bounded on the north by the centre of Lisgar street, on the south by the rear line of the lots fronting on the south side of Cooper street, on the east by the centre of Bank street, and on the west by the centre of Concession street (including lots Nos. 3, 4, 5, on the west side of Bank street, lots Nos. 3, 4, 5, on the east side of Lyon street and lots D, E, F, G, H, I and K on the east side of Concession street). Polling place No. 275 Lyon street.

15. Bounded on the north by the rear line of the lots fronting on the north side of Somerset street, on the south by the rear line of the lots fronting on the south side of MacLaren street on the east by the centre of Bank street, and on the west by the centre of Concession street, (including lots Nos. 6, 7, 8, 9, 10 and 11 on the west side of Bank street, lots Nos. 6 and 7 on the east side of Lyon street, lot No. 5 on the west side of Lyon street, lots L, P, Q, R, S, T and U on the east side of Concession street). Polling place No. 581 MacLaren street.

16. Bounded on the north by the rear line of the lots fronting on the north side of Gilmour street, on the south by the rear line of lots fronting on the south side of James street, and on the west by the centre of Concession street (including lots Nos. 12, 13, 14, 15, 16, 17, 18 and 19 on the west side of Bank street, lots V, W, Wa, X, Y, Z, 1, 2 and 3 on the east side of Concession street). Polling place No. 138 James street.

17. Bounded on the north by the rear line of lots fronting on the north side of Florence street, on the south by the rear line of lots fronting on the south side of Ann street, on the east by the centre of Bank street, and on the west by the centre of Concession street, (including lots No. 20 and 25, both inclusive, 1, 2 and 3 on the west side of Bank street, lots 1, 2 and 3 on the east and west sides of Kent street, lots 1, 2 and 3 on the east and west sides of Bay street, lots 1, 2 and 3 on the east and west sides of Percy street and lots 4 to 9, both inclusive, on the east side of Concession street). Polling place No. 456 Ann street.

18. All that part of Wellington ward lying south of the rear line of lots fronting on the north side of McLeod street. Polling place No. 524 Bank street.

#### CENTRAL WARD.

19. Bounded on the north by the centre of Sparks street, on the south by the centre of Gilmour street, on the east by the centre of O'Connor street, and on the west by the centre of Bank street. Polling place 188 Albert street.

20. Bounded on the north by the centre of Sparks street, on the south by the centre of Gilmour street, on the east by the centre of Metcalfe street, and on the west by the centre of O'Connor street. Polling place, 138 Sparks street.



21. Bounded on the north by the centre of Sparks street, on the south by the centre of Gilmour street, on the east by the centre of Elgin street, and on the west by the centre of Metcalfe street. Polling place, 37 Queen street.

22. Bounded on the north by the centre of Sparks street, on the south by the centre of Ann street, on the east by the Rideau canal, and on the west by the centre of Elgin street. Polling place, No. 109 Maria street.

23. Bounded on the north by the centre of Gilmour street, from Bank street to its intersection with the centre of Elgin street, thence southerly along the centre of Elgin street to its intersection with the centre of Ann street, thence easterly along the centre of Ann street to the Rideau canal, on the south by the rear line of the lots fronting on the south side of Catherine street, on the west by the centre of Bank street, and on the east by the Rideau canal. Polling place, 312 Ann street.

24. Bounded on the north by the rear line of lots fronting on the north side of Isabella street, from Bank street to Rideau canal, on the south by the Rideau canal, on the west by the centre of Bank, and on the east by the Rideau canal. Polling place, No. 186 Isabella street.

#### ST. GEORGE'S' WARD.

25. Bounded on the north by the centre of George street, on the south by the rear or south line of lots fronting on the south side of Rideau street, on the east by the centre of Cumberland street, and on the west by the Rideau canal. Polling place, 190 Rideau street.

26. Bounded on the north by the north or rear line of lots fronting on the north side of Besserer street, on the south by the centre of Theodore street, on the west by the Rideau canal, and on the east by the centre of Cumberland street. Polling place, No. 3 Fire Station.

27. Bounded on the north by the rear line of lots fronting on Rideau street north, on the south by the centre of Besserer street, on the west by the centre of Cumberland street, and on the east by the Rideau river. Polling place, 225 Besserer street.

28. Bounded on the north by the centre of Cumberland street, on the south by the centre of Stewart street, on the west by the centre of Cumberland street, and on the east by the Rideau river. Polling place, 212 Daly avenue.

29. Bounded on the north by the centre of Stewart street, on the south by the southern city limits, on the east by the centre of King street, and on the west by the centre of Cumberland street to its intersection with Theodore street; thence along the centre of Theodore street to the Rideau canal; thence along the east bank of the said canal in a southerly direction to the said southern limits of the city. Polling place at 18 Theodore street.

30. Bounded on the north by the centre of Stewart street, on the south by the southern city limits, on the west by the centre of King street, and on the east by the Rideau river. Polling place, 259 Wilbrod street.

#### BY WARD.

31. Bounded on the south by the centre of George street, on the north by the centre of York street, on the west by the centre of Mackenzie avenue, on the east by the centre of King street. Polling place, By Ward Market Hall.

32. Bounded on the south by the centre of York street, on the north by the centre of Clarence street, on the west by the centre of Mackenzie avenue, on the east by the centre of King street. Polling place, 184½ Clarence street.

33. Bounded on the south by the centre of Clarence street, on the north by the centre of Murray street, on the west by the centre of Mackenzie avenue, and on the east by the centre of King street. Polling place, 104 Murray street.

35. Bounded on the south by the rear line of lots fronting on the north side of Rideau street, on the south by the centre of St. Patrick street, on the east by the centre of Friel street up to its intersection with Clarence street, thence easterly along the centre of Clarence street to the centre of Chapel street to St. Patrick street, and on the west by the centre of King street. Polling place, 346 Clarence street.

36. Bounded on the south by the rear line of lots fronting on the north side of Rideau street, on the north by the centre of St. Patrick street, on the east by the Rideau river, and on the west by the centre of Friel street up to its intersection with Clarence street, thence easterly along the centre of Clarence street to Chapel street, thence northerly along the centre of Chapel street to St. Patrick street. Polling place, Anglesea Square Market Hall.

#### OTTAWA WARD.

37. Bounded on the south by the centre of St. Patrick street, on the north by the rear line of lots fronting on the north side of Church street, on the west by the centre of Sussex street, and on the east by

38. Bounded on the south by the centre of St. Patrick street, on the north by the centre of St. Andrew street, on the west by the centre of King street, and on the east by the Rideau river. Polling place, 587 St. Patrick street.

39. Bounded on the south by the rear line of lots fronting on the south side of St. Andrew street, on the north by the rear line of lots fronting on the north side of Water street, on the west by the Government Reserve land, including lots 1 to 6 inclusive, on the west side of Sussex street and on the east by the centre of Cumberland street. Polling place, 176 Dalhousie street.

40. Bounded on the south by the rear line of lots fronting on the south side of St. Andrew street to its intersection with King street, then northerly along the centre of King street to the centre of St. Andrew street to the Rideau river, on the north by the centre of Cathcart street, on the west by the centre of Cumberland street and on the east by the Rideau river. Polling place, 247 Water street.

41. Bounded on the south by the rear line of lots fronting on the south side of Cathcart street to its intersection with Cumberland street, thence northerly along the centre of Cumberland street to its intersection with the centre of Cathcart street to the Rideau river, on the north by the centre of Bolton street, on the west by the Ottawa River and on the east by the Rideau river. Polling place at Bingham Hall.

42. All that part of Ottawa Ward lying north of the centre of Bolton street. Polling place, 55 Dalhousie street.

#### RIDEAU WARD.

43. Comprising all that part of the City of Ottawa known as Rideau Ward. Polling place, Albert Hall, Stanley avenue.

That the following persons be and they are hereby appointed deputy returning officers to preside at the said polling places respectively :

Polling place No.	1, Harold Breene.
"	2, Godfroy Marsan.
"	3, James Clarke.
"	4, G. Mann.
"	5, John Murphy.

Polling

Polling place No.	6, Rockcliffe Ronan.
"	7, George Fowler.
"	8, William Howe.
"	9, E. Lafontaine.
"	10, George Carman.
"	11, R. C. W. MacCuaig.
"	12, J. H. Salmon.
"	13, Jno. McIntosh.
"	14, Thos. Henderson.
"	15, W. H. Bishop.
"	16, W. H. Morgan.
"	17, G. Garrett.
"	18, Jas. Hickey.
"	19, James T. Moxley.
"	20, Alexander Duff.
"	21, Frank McDougal.
"	22, James H. Thompson.
"	23, F. Journeaux.
"	24, W. H. Sixsmith.
"	25, T. Westwick.
"	26, George Hawkins.
"	27, Jos. Potts.
"	28, Hugh W. Mix.
"	29, C. Desjardins.
"	30, A. M. Sutherland.
"	31, E. Gauthier.
"	32, Jos. Kennedy.
"	33, John Sullivan.
"	34, Augustin Lemay.
"	35, Geo. Mainville.
"	36, Thomas Morris.
"	37, P. R. Valiquette.
"	38, J. Z. Foisy.
"	39, N. Berichon.
"	40, L. Alexis Lessard.
"	41, E. Chateauvert.
"	42, Sam. Savage.
"	43, Fred. Dawson.

The 30th of December, 1897, in the council chamber of the city hall, Ottawa, at 10 o'clock in the forenoon, is appointed as the time and place for the appointment in writing by the said mayor, for the time being, of the corporation of the city of Ottawa, of such persons as shall attend at the various polling places and at the final summing up of the votes by the said clerk on behalf of the persons interested in and promoting or opposing the passage of this by-law respectively.

The 4th day of January, 1898, at the city clerk's office, in the city of Ottawa, at 12 o'clock noon, is hereby appointed for the summing up by the said clerk of the number of votes given for and against this by-law respectively. First publication on the 9th day of December, 1897.

Given under the corporation seal of the said corporation of the city of Ottawa this 7th day of February, 1898.

Certified,

(Sgd.) JOHN HENDERSON,

City Clerk.

(Sgd.) S. BINGHAM,

Mayor.

## SCHEDULE C.

## SECTION 1.

Memorandum of agreement entered into this 24th day of December, 1897, between the Ottawa and New York Railway Company, herein called "the company," of the first part, and the corporation of the city of Ottawa, herein called "the corporation," of the second part.

Whereas the council of the corporation of the city of Ottawa have, subject to the agreement herein, introduced a by-law and are about to submit the same to the ratepayers of the said city, for granting aid to the said company to the amount of seventy-five thousand dollars, to be paid to the said company upon and only upon the completion and operation of its line of railway from the City of Ottawa across the St. Lawrence River by a bridge at or near the town of Cornwall and to a connection with some railway or railways to the City of New York, and the erection of the general workshops of the company at the City of Ottawa on or before the first day of July, 1899.

And whereas it was agreed between the company and the corporation that in the event of such by-law being passed by the council of the corporation after receiving the assent of the electors thereto, that the company would erect and maintain the general workshops of the company necessary for the said line of railway in the City of Ottawa, such workshops to be erected on or before the first day of July, 1899.

Now this agreement witnesseth that in consideration of the passing of the said by-law and the granting of the said bonus, the said company for itself, its successors and assigns, covenants and agrees with the said corporation and its successors as follows:—

That the said company shall, on or before the first day of July, 1899, erect the general workshops of the company necessary for the said railway in the City of Ottawa, and thereafter maintain the same within the said City of Ottawa.

That the head office of the company shall be established in the City of Ottawa on or before the first day of July, 1899, and thereafter maintained at the City of Ottawa.

The corporation agrees with the said company that in the event of the said general workshops being established and maintained within the limits of the City of Ottawa, the council of the corporation will exempt from taxation all workshops, round houses and stations of the said company, and the lands upon which the same may be built, for a period of ten years, and shall recommend a like exemption for a further period of ten years thereafter, as far as the said council can legally do so.

The term "general workshops" in this agreement shall mean and include the construction and repair shops of the company as well as the shops for all work necessary for the repair, maintenance and operation of the company's railway.

In witness whereof the parties hereto have hereunto caused their respective corporate seals to be affixed under the hand of their proper officers in that behalf, and duly certified.

Signed, sealed and delivered  
in the presence of

(Sgd.)

C. E. CARTWRIGHT.  
BURNSIDE ROBINSON.

(Sgd.)  
OTTAWA AND NEW YORK RAILWAY COM-  
PANY, by  
CHAS. B. HIBBARD, President.  
HENRY T. NASH, Secretary.  
SAMUEL BINGHAM, Mayor.  
JOHN HENDERSON, City Clerk.



## CHAPTER 68.

## An Act respecting the Town of Owen Sound.

*Assented to 1st April, 1899.*

**W**HEREAS the Municipal Corporation of the Town of Owen Sound has by petition represented that a great loss has resulted to the said town through the destruction by fire of the factory, buildings, plant and machinery belonging to John George Hay and Archibald Hay, and which were used for seven years for the purpose of manufacturing chairs on an extensive scale in the said town, and that a large number of the inhabitants of said town have, in consequence of said fire, been deprived of employment; that it is desirable to grant a loan of \$15,000 to the said John George Hay and Archibald Hay for the purpose of assisting them in rebuilding and equipping a chair factory in said town; that for that purpose the municipal council of the said town submitted by-law, numbered 880, for the assent of the electors of said town entitled to vote thereon on the eleventh day of March, 1899, and the same was approved by more than two-thirds of the ratepayers entitled to vote on money by-laws under the provisions of *The Municipal Act* in that behalf, and was finally passed on Monday, the 20th day of March, 1899; and whereas no other person or persons are engaged in the manufacture of chairs in the said town; and whereas the said corporation has also by its petition prayed that an Act may be passed to legalize, ratify and confirm said by-law, intituled "A by-law to aid and assist John George Hay and Archibald Hay in building and operating a chair factory in the Town of Owen Sound," a copy of which by-law is contained in Schedule A. to this Act; also to legalize, ratify and confirm an agreement made and entered into on the eighth day

Preamble.

of February, 1899, between John George Hay and Archibald Hay of the first part, and the said Corporation of the Town of Owen Sound of the second part, a copy of which agreement is contained in schedule B. to this Act; and whereas the application of the said corporation appears to come within the repealed provisions of *The Municipal Amendment Act, 1888*; and whereas the said corporation have also by their petition prayed that an Act may be passed to authorize the said corporation to subscribe for stock, not exceeding in amount \$100,000 in a limited liability company formed for the purpose of establishing in the said town a smelting and iron and steel manufacturing industry, and to issue debentures for the purpose of paying for stock so subscribed, and to ratify and confirm a by-law of the Corporation of the Town of Owen Sound to be passed for that purpose; and whereas it is represented by the said corporation that there is a probability of securing the establishment of the said industry, provided the said corporation is empowered to so subscribe and pay for a certain amount of said stock; and whereas there is as yet no steel manufacturing industry in the Dominion of Canada, and the circumstances connected with the establishing of such an industry are therefore exceptional; and whereas it is urged that the establishment of such an industry at the said Town of Owen Sound will very materially assist in developing the vast deposits of iron ore situated in the northern portions of Ontario, and will necessitate the employment of at least six hundred workmen at the Town of Owen Sound and some four hundred at the mines and in the transportation of ore to the said town; and whereas it is expedient that the prayer of the said petition should be granted;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law confirmed.

1. The said By-law number 880 of the Corporation of the Town of Owen Sound, intituled as in the preamble to this Act recited, and which said by-law is set out in Schedule "A" to this Act, and which has been assented to by more than two-thirds of the ratepayers entitled to vote thereon is hereby ratified and confirmed, and declared to be legal, valid and binding to all intents and purposes, and the debentures to be issued under the said by-law shall be and the same are hereby declared to be valid, legal and binding upon the Corporation of the said Town of Owen Sound, and the ratepayers thereof notwithstanding anything contained in any Act to the contrary.

Agreement confirmed.

2. The said agreement bearing date the eighth day of February, 1899, made between the said John George Hay and Archibald Hay of the first part and the Corporation of the Town of Owen Sound of the second part, which is set forth in Schedule "B" to this Act is hereby ratified and confirmed, and declared to be legal, valid and binding to all intents and purposes upon the parties thereto.

3. The council of the Corporation of the Town of Owen Sound may from time to time pass by-laws for issuing debentures to any amount not exceeding in the whole \$100,000, and for applying the proceeds of such debentures to the purchase of stock in any limited liability company now existing or hereafter to be incorporated for the purpose of smelting iron ore and manufacturing iron and steel at the said Town of Owen Sound, and the debentures to be issued under the said by-laws shall be and the same are hereby declared to be legal, valid and binding upon the Corporation of the Town of Owen Sound and the ratepayers thereof, notwithstanding anything contained in any Act to the contrary.

Power to issue debentures for \$100,000 to take stock in smelting works.

4. Any debentures issued under the powers hereby conferred shall be payable within thirty years from the date of the by-law authorizing the issue thereof, and a portion of the debentures issued under any such by-law shall be made payable in each year for a period not exceeding thirty years from the date of the passing of the by-law, so that the aggregate amount payable for principal and interest in any one year shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years for the period in which the debt is to be discharged.

Time for payment of debentures.

5. The said corporation shall levy in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under section 3 of this Act, and it shall not be necessary to levy for or provide any sinking fund to retire the said debentures or any of them.

Special rate.

6. The Corporation of the Town of Owen Sound may enter into any contract or agreement for taking stock in any such company upon such terms and conditions as may be contained in the by-law and the said agreement, and the issue of any debentures under such by-law may be postponed until the conditions contained in the said by-law and agreement have been fulfilled, or until such other time or times as may be provided for in the by-law or agreement, and the said agreement shall be valid, legal and binding to all intents and purposes upon the parties thereto.

Power to enter into agreements as to smelting works.

7. No such by-law shall be passed until the assent of the electors has been obtained in conformity with the provisions of *The Municipal Act* in respect of by-laws for creating debts, and the assent of one-third of all the electors entitled to vote shall be necessary as well as the assent of the majority of the electors voting on such by-law, and no elector interested in or holding shares or stock in the company shall be qualified to vote on any such by-law.

Assent of electors.

Rev. Stat. c. 223.



## SCHEDULE A.

## BY-LAW No. 880.

A by-law to aid and assist John George Hay and Archibald Hay in building and operating a chair factory in the Town of Owen Sound.

Whereas the said John George Hay and Archibald Hay have been engaged in manufacturing chairs in the said Town of Owen Sound continuously since the year 1892, and whereas their factory, buildings, plant, machinery and stock were destroyed by fire on the thirty-first day of January, 1899.

And whereas in consequence of the said fire the employees of said factory, numbering over two hundred and fifty persons, were thrown out of employment, and whereas the said John George Hay and Archibald Hay are desirous of rebuilding their factory and of having same completed and in running order during the year 1899, and whereas they have applied to the municipal council of the said corporation to aid them by lending them the sum of \$15,000 in accordance with the terms of an agreement hereinafter referred to.

And whereas it is deemed expedient and desirable to loan the said sum of \$15,000 to the said John George Hay and Archibald Hay for said purpose.

And whereas the amount of the whole rateable property of the said Town of Owen Sound according to the last revised assessment roll thereof, being the assessment roll for the year 1898, is \$2,610,944.

And whereas the existing debenture debt of the said Town of Owen Sound amounts to the sum of \$426,989.42, no principal and no interest being in arrear.

Therefore the corporation of the Town of Owen Sound by the council thereof, enacts as follows:

1. It shall and may be lawful for the municipal council of the said corporation of the Town of Owen Sound to aid the said John George Hay and Archibald Hay for the erection of a factory for the manufacture of chairs within the limits of the said corporation by lending them the sum of \$15,000, repayable with interest at the rate of three and three-quarters per cent. per annum in accordance with the agreement entered into between the said John George Hay and Archibald Hay and the corporation of the Town of Owen Sound, dated the eighth day of February, 1899.

2. For that purpose it shall be lawful for the mayor of the said Town of Owen Sound to borrow fifteen thousand dollars and to issue debentures of the said municipality to the said amount of fifteen thousand dollars in sums of not less than one hundred dollars, payable at the end of ten years from the date on which this by-law takes effect, and to bear interest at a rate not exceeding four per cent. per annum, payable half-yearly on the first day of July and the first day of January in each year respectively during the currency of said debentures.

3. The said debentures shall bear date on the day hereinafter appointed for the coming into force of this by-law, shall be sealed with the corporate seal of the said Town of Owen Sound, be signed by the mayor thereof and bear interest at the rate of four per cent. per annum from the date thereof until respectively due as hereinbefore specified, which interest shall be payable half-yearly on the first days of January and July respectively in each year, at the Molsons Bank in the Town of Owen Sound where also the said debentures shall be payable.

4. The said debentures shall have attached thereto coupons for the payment of the interest thereon.



5. During the currency of the said debt while any of the said debentures remain unpaid there shall be raised, assessed and levied yearly upon the whole rateable property in the Town of Owen Sound the sum of \$600 for the payment of the interest during the currency of the said debentures and also the sum of \$1,308.46 for the payment of said debt.

6. This by-law shall come into force on the day of the final passing thereof by this council.

7. The votes of the electors of the municipality of the Town of Owen Sound shall be taken on this by-law on Saturday, the 11th day of March, 1899, commencing at the hour of nine of the clock in the morning and closing at the hour of five of the clock in the afternoon of the same day as follows: In Bay Ward at the stone public school house on Hill street by William Brown as deputy returning officer; in Centre Ward at the town hall by William Wilson as deputy returning officer; in River Ward at the brick public school house on the corner of Union and Boyd streets by John Corbet as deputy returning officer, and in West Ward in the Beech street public school house by William Dunn as deputy returning officer.

8. On Friday the 10th day of March, 1899, at the hour of ten o'clock in the forenoon the mayor of the Town of Owen Sound will attend at the office of the town clerk in the Town of Owen Sound for the purpose of appointing in writing, signed by himself, two persons to attend at the final summing up by the town clerk of the votes polled on this by-law and also of appointing one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law, and a like number on behalf of the persons interested and desirous of opposing the passing of this by-law.

9. On Monday the 13th day of March, 1899, at ten of the clock in the forenoon at the office in the town hall in the Town of Owen Sound, the clerk of the Town of Owen Sound will proceed to sum up the number of votes given for and against this by-law.

Mayor.

Town Clerk.

Council Chambers, 1899.

## SCHEDULE B.

### AGREEMENT.

THIS INDENTURE made and entered into this eighth day of February, in the year of our Lord one thousand eight hundred and ninety-nine, by and between John George Hay and Archibald Hay, both of the town of Owen Sound, in the county of Grey, and Province of Ontario, chair manufacturers, of the first part, and the corporation of the town of Owen Sound, of the second part:

Whereas the said parties of the first part have been engaged in manufacturing chairs in the said town of Owen Sound continuously since the year 1892,

And whereas their factory consisting of a main building built of brick 260 x 45 feet and four stories high, together with boiler room, bending room, saw mill, and other outbuildings, and all their machinery, plant and stock were destroyed by fire on the thirty-first day of January, 1899.

And whereas, in consequence of the said fire, the employees of the said factory, numbering over two hundred and fifty persons, were thrown out of employment.

And

And whereas the said parties of the first part are desirous of rebuilding their factory and of having same completed and in running order during the year 1899.

And whereas they have applied to the municipal council of the said corporation of the town of Owen Sound to aid them by lending them the sum of \$15,000, with interest at three and three-quarters per cent. per annum, to be repaid within ten years from the final passing of by-law No. 880; and for a grant of water for factory purposes from the town's water works system, and to allow them to connect at street line with the said system for all the hydrants and other appliances which they may place upon their premises for fire protection, and to permit them to have such supply of water from said system for fire protection as they may require free of charge; and for exemption from taxes, except school taxes, during the said term of ten years on the terms and conditions hereinafter more particularly set out.

And whereas there is no other person or persons engaged in manufacturing chairs in the town of Owen Sound.

And whereas it is deemed expedient by the council of the said corporation of the town of Owen Sound to grant the said request of the said parties of the first part, upon the terms and conditions hereinafter appearing.

Now, therefore, this indenture witnesseth, and it is agreed by and between the said parties of the first part, their heirs, executors, administrators and assigns, and the corporation of the town of Owen Sound, their successors and assigns, as follows:—

1. That the said parties of the first part agree to acquire suitable lands adjoining site of the late factory plant, and premises for the said chair factory within the limits of the said municipality to be worth no less than \$50,000.

2. The said parties of the first part agree to erect and build within one year, upon the said lands now owned and so acquired, factories at least two hundred and fifty feet in length in the aggregate, with a width of forty-five feet, and three stories high, together with boiler room, saw mill, and all other necessary outbuildings, and to place therein all necessary boilers, engines, lathes, and other machinery necessary and proper for the efficient equipment of the said factory.

3. And the said parties of the first part agree to employ, upon the completion of the said factory, continuously, during the term of ten years thereafter, at least two hundred persons in and about the said factory, and to maintain the said factory with the said number of employees, in active and efficient operation for the said term of ten years.

4. The said parties of the first part agree to secure to the corporation of the town of Owen Sound by a first mortgage upon the lands and premises and machinery the repayment of the said sum of \$15,000 with interest thereon at three and three-quarters per cent. per annum on the following days and times, that is to say:—Interest shall be payable yearly upon the principal money from time to time remaining unpaid except the interest for the first, second and third years, amounting in the aggregate to \$1,637.50, which shall be postponed and paid as follows:—One half thereof, \$843.75, shall be paid at the end of the fourth year and the balance at the end of the fifth year. An instalment of \$2,000 shall be paid on account of said principal money at the end of the sixth, seventh, eighth and ninth years of said term, and the balance of the said principal money, \$7,000, shall be repaid at the end of the tenth year of said term.

5. And the said parties of the first part agree to insure and keep insured against loss or damage by fire in insurance companies acceptable to the council of the said corporation, their buildings plant and machinery, to the full insurable value thereof, but not less than the amount due from time to time to the town on both of the town's mortgages, and in case of default.

default the corporation may insure and charge premium to the parties of the first part and they shall make such insurance payable to the corporation of the town of Owen Sound as their interests may appear.

The corporation of the town of Owen Sound agrees to loan the said parties of the first part the said sum of \$15,000 upon the completion of the said factory and the delivery of said mortgage; they also agree to exempt by by-law or other Act sufficient in that behalf, the said property now used, owned or occupied by the said parties of the first part for the purpose of their factory, including all lands, buildings, plant, stock and other improvements now owned or hereafter to be acquired by them as aforesaid from municipal taxation during the said term of ten years, except for school purposes, and they also agree to fix by by-law or other Act sufficient in that behalf the assessment of all lands, buildings, plant, stock and other improvements now owned or hereafter to be acquired as aforesaid for the purpose of said factory at an aggregate assessed value of \$20,000 each year during said term of ten years, so that the school rates to be paid in respect thereof shall be paid only in respect of such aggregate and fixed assessed value of \$20,000.

The said corporation also agree to supply the said factory with water from the town's water works system for factory purposes and to allow them to connect at street line with the said system for all the hydrant and other appliances which they may place upon their premises for fire protection and permit them to have such supply of water from said system for fire protection as they may require, free of charge.

The said corporation agrees to submit a by-law to the electors of the said municipality of the town of Owen Sound not later than Saturday, the 11th day of March, 1899, for the purpose of obtaining the assent of the electors to said loan of \$15,000.

It is understood and agreed that this agreement shall not become operative and binding upon the parties hereto unless and until the assent of the electors shall have been obtained to the passing of such by-law and the same shall have been made valid and binding upon the corporation of the town of Owen Sound and duly legalized and confirmed by the Legislature of the Province of Ontario,

In witness whereof the said parties of the first part have hereunto set their hands and seals, and the said corporation of the town of Owen Sound has hereunto attached its corporate seal and caused its mayor and clerk to sign these presents.

Signed, sealed and delivered in  
presence of |

(Signed)

H. B. SMITH.

(Signed)

J. G. HAY, L.S.

A. B. HAY. L.S.

WM. S. MIDDLEBRO,  
Mayor. S.

THOS. GORDON,  
Town Clerk.

## CHAPTER 69.

An Act to confirm By-law No. 228 of the Town of Palmerston.

*Assented to 1st April, 1899.*

## Preamble.

**W**HEREAS the Palmerston Pork Packing Co., Limited, has, by petition, represented that the said company is possessed of certain lands and premises situate within the limits of the Township of Minto, in the County of Wellington, adjoining the northern limit of the Town of Palmerston, in the said County of Wellington; and whereas said company has further represented that the northern limit of the said Town of Palmerston, as contained in 58 Victoria, chapter 72, section 1, subsection 2, is twenty-five chains from the centre line of the original allowance for road between the said Township of Minto and the Township of Wallace, in the County of Perth, whereas it should have been twenty-five chains from the northern boundary of the said road allowance, (being a distance of one-half chain further north) the area included within twenty-five chains from the northern boundary of the said road allowance having since the incorporation of the said town been considered and known as part of the said Town of Palmerston; and whereas it is further represented that the said company has entered into an agreement with the Municipal Corporation of the said Town of Palmerston, which agreement bears date the twenty-first day of February, 1899, and that in pursuance of said agreement the Municipal Corporation of the said Town of Palmerston has passed a by-law numbered 228 and intituled "A By-law to authorise and confirm the execution of a certain indenture of agreement made between the Municipal Corporation of the Town of



Palmerston and The Palmerston Pork Packing Company Limited, and to authorize the said municipal corporation to guarantee bonds of the said Palmerston Pork Packing Company, Limited, and to exempt from taxation (except school taxes) the lands, buildings, plant and machinery of the said company," adopting such agreement, which by-law and agreement are set out in the schedule hereto; and whereas it has been shewn that the said by-law was submitted to the vote of the qualified ratepayers of the said town and carried by a large majority and that the ratepayers who voted in favour of the said by-law together with those who from absence from the said town or sickness at the time the said vote was taken, but who have since petitioned that the said by-law might be confirmed, comprise more than two-thirds of the ratepayers of the said town who are qualified to vote on by-laws for the creation of debts and the said by-law seems to come within the provisions of the repealed clauses of *The Municipal Amendment Act, 1888*, respecting aid to industrial enterprises; and whereas the said town of Palmerston desires to extend the limits of the said town so as to include that portion of the north half of lot number twenty-one, in the first concession of the said township of Minto, owned and occupied by the Palmerston Pork Packing Company (Limited) and whereas it is expedient to grant the prayer of the said petition:—

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 2, of section 1, of 58 Victoria, Chapter 72, <sup>58 V., c. 72,</sup> is amended by striking out all after the words "twenty- <sup>s. 1, amended.</sup> five," in the twenty-fourth line thereof to the word "to" in the twenty-ninth line thereof and inserting in lieu thereof the following "and one-half chains more or less to the continuation westerly of the division line between the north and south halves of lots 25, 24, 23, 22, 21, 20 and 19, in the said first concession of the said Township of Minto, thence easterly along the said extension and along the said division line seventy chains and eleven links more or less to the north-westerly angle of lot 79 on the westerly side of Jane Street in Caswell's survey of part of the south half of said lot 22 in the first concession of the said Township of Minto (now within the limits of the said Town of Palmerston), thence easterly along the northerly boundary of said lot 79 and the extension easterly thereof and along the northerly boundary of lot number 67 on the easterly side of said Jane Street in said Caswell's survey and the extension easterly thereof to the south-west angle of park lot number 17 in Fuller and Watson's survey of the north half of said lot number 21 in the said first concession of the said Township of Minto, thence easterly along the southerly boundary of said park lot 17 one hundred and ninety-eight feet, thence northerly parallel with the westerly limit

Limits of town.

limit of said park lot 17 and the westerly limit of park lot 18, in said Fuller and Watson's survey, three hundred and thirty feet more or less to the northerly limit of said park lot 18, thence westerly along the said northerly limit of said park lot number 18 one hundred and thirty-seven feet, more or less, to the easterly limit of the roadway of the Durham branch of the Grand Trunk Railway, thence northerly along the said easterly limit of roadway of the Durham branch of the Grand Trunk Railway nine hundred and ninety feet, more or less, to the northerly limit of park lot number 21, in said Fuller and Watson's survey, thence easterly along the said northerly limit of said park lot number 21 three hundred and forty-two feet, more or less, to the north-easterly angle of the west half of said park lot number 21, thence southerly along the division line between the east and west halves of park lots numbers 21, 20, 19, 18 and 17 thirteen hundred and twenty feet, more or less, to the southerly limit of the said park lot number 17, thence easterly along said southerly limit of said park lot number 17 and the extension easterly thereof and along the southerly boundary of lots numbers 4, 3, 2 and 1 on the southerly side of Lett Street in said Fuller and Watson's survey to the easterly limit of said lot 21 in the said first concession of said Township of Minto, thence easterly parallel to the southerly boundary of said lots 20 and 19 in said first concession forty-one chains, more or less, to the easterly limit of said lot 19, thence southerly along said easterly boundary of said lot 19, twenty-five and one-half chains, more or less.

By-law confirmed.

**2.** By-law No. 228 of the town of Palmerston, intituled as in the preamble to this Act, and set out in schedule A to this Act, is hereby confirmed and legalized.

Agreement confirmed.

**3.** The agreement mentioned in the said by-law and set out in the said schedule B to this Act, is hereby confirmed and legalized.

Authority to do all necessary acts.

**4.** It shall be lawful to do all things by and on behalf of the said company or its assigns and the said corporation necessary for the carrying out and fulfilment of and complying with the terms, conditions, covenants, and provisoes contained and set out in the said agreement and the said by-law.

## SCHEDULE A.

*(Section 1.)*

## TOWN OF PALMERSTON. BY-LAW No. 228.

A by-law to authorize and confirm the execution of a certain indenture of agreement made between the municipal council of the town of Palmerston and the Palmerston Pork Packing Company, Limited, and to authorize the said municipal council to guarantee bonds of the said Palmerston Pork Packing Company, Limited, and to exempt from taxation (except school taxes) the lands, buildings, plant and machinery of the said company.

Whereas the said Palmerston Pork Packing Company, Limited, and the said municipal council have entered into an agreement set out in schedule A hereto, which is hereby incorporated in and is to be read and construed as part of this by-law, and whereas the said agreement has been executed by the said company and by the said municipal council, by the signatures of the mayor and clerk of the said council and the seal of the said municipal corporation, and whereas the said municipal council of the said town deem it expedient to authorize, ratify and confirm the said agreement and to provide for the carrying out of the terms thereof; and whereas the said municipal council deem it advisable to submit this by-law to the vote of the ratepayers of the said town:—

Now therefore the municipal council of the town of Palmerston enacts as follows:—

1. That the execution of the said agreement on behalf of the said municipality of the town of Palmerston, by the signatures of the mayor and the clerk of the council thereof, and the seal of the said corporation, is hereby authorized, ratified and confirmed.

2. That the mayor and clerk of the said municipal council, by and with their signatures and the seal of the said corporation, on behalf of the said municipality, shall guarantee the bonds of the said company, issued in pursuance of and compliance with the said agreement.

3. That the lands, buildings, plant and machinery of the said company shall, subject to the terms, conditions and provisos in the said agreement set out, and to the provisos hereinafter contained, from time to time, be exempt for the term of ten years from the 31st day of December, 1899, from the payment of all taxes assessable by the municipality of the said town, for any rate or purpose whatsoever, except school taxes.

4. Provided always that so much of the said property as would, if this by-law had not been passed, be liable to assessment, shall annually be assessed in the usual way, and rated and placed on the collector's rolls, and the exemption hereby granted shall only take effect on the production to the mayor of the said town, for the time being, on or before the first day of December in each year, of a statutory declaration to be made by the president, managing director or manager of the said company or its assigns, that all the said conditions, covenants and provisos in the said agreement contained or herein set out applicable and appertaining to such exemption, have been complied with, fulfilled and satisfied by the said company or its assigns, and upon the mayor granting his certificate certifying such compliance, fulfillment and satisfaction, the taxes and rates assessed and rated against the said lands, buildings, plant and machinery, shall not be collected, and production of the mayor's said certificate shall be sufficient authority to the collector, and it shall be his duty to refrain from collecting such taxes and rates so assessed and rated, except school taxes.

5. That such exemption from taxes and rates shall be and continue for the full term of ten years from the 31st day of December, 1899, provided the conditions of this by-law and the terms, conditions, covenants and provisos

in



in the said agreement continue to be observed, performed and fulfilled, and for such shorter time as the said conditions, terms, covenants and provisos are performed, fulfilled and observed.

6. That the council of the said municipality shall appoint two directors of the said company annually or so often as the office becomes vacant, in addition to the number of directors elected by the shareholders of the said company, such directors so appointed by the said council not necessarily being shareholders of the said company.

7. That the council of the said municipality shall appoint annually or oftener, if such council deem it advisable an auditor to audit and examine the books, papers and records of the said company whenever instructed by the said municipal council so to do and to report thereon to the said council.

8. That the said municipal council shall take such mortgage on the real estate, buildings, plant and machinery of the said company as it may be advised as collateral security for its liability under the said guarantee of the said bonds of the said company, and for the payment of any liability of the said company or its assigns to the said municipality under the said agreement or hereunder, and may take all actions and proceedings as it may be advised are necessary for the proper enforcement of the same, and that the said municipal council may do all things necessary to carry out the said agreement and to enforce the same.

9. That the treasurer of the said municipality shall receive in trust the moneys arising from the sale of the said bonds of the said company to pay all liens or encumbrances on the property of the said company or its assigns, either real or personal, and to pay the balance left after such payments (if any) to the said company or its assigns, upon the order of said municipal council, but such balance (if any) shall not be paid over by said Treasurer until the said property of the said company or its assigns is of at least the value of \$35,000 and free from all incumbrances.

10. That a poll shall be held and the votes of the ratepayers entitled to vote upon this by-law, shall be taken thereon on Monday the thirteenth day of March, 1899, at the hour of nine o'clock in the forenoon and continue until five o'clock in the afternoon on the same day at the council chamber of the town hall at which S. Caswell shall be and he is hereby appointed the returning officer.

11. That except as otherwise herein provided, the sections of *The Municipal Act* relating to granting a bonus in aid of a railway and the assent of the qualified ratepayers shall apply to the vote to be taken on this by-law.

12. That on Friday the tenth day of March, 1899, the Mayor of the said town shall attend at the council chamber in the town hall at the hour of twelve o'clock noon to appoint persons to attend at the said polling place and at the final summing up of the votes by the clerk, respectively on behalf of the persons interested and promoting and opposing the by-law.

13. The clerk of the town of Palmerston shall attend at the town hall in the council chamber thereof immediately at the close of the poll and sum up the number of votes cast for and against this by-law.

14. That this by-law be sanctioned and legalized by an Act of the Legislature of the Province of Ontario to be applied for and obtained by and at the expense of the said company as soon as may be.

15. That this by-law shall come into force and take effect on its being sanctioned and legalized by an Act of the Legislature of the Province of Ontario.

Dated at the Town of Palmerston in the county of Wellington, this 21st day of February, 1899.

Read the third time and finally passed this 20th day of March, 1899.

(Sgd.) R. SHIELDS, Mayor.  
S. CASWELL, Clerk.

SCHEDULE



## SCHEDULE B.

*(Section 2.)*

This indenture made in duplicate this twenty-first day of February, 1899.

Between :—

The Palmerston Pork Packing Company Limited, hereinafter called the company, of the first part, and

The Municipal Corporation of the Town of Palmerston hereinafter called the Municipality, of the second part,

Whereas the company is the owner in fee simple of the lands and premises following, that is to say :

All and singular those certain parcels or tracts of land and premises situate, lying and being in the township of Minto in the county of Wellington and being composed of the westerly halves of Park lots numbers seventeen, eighteen, nineteen, twenty and twenty-one in the said township of Minto according to Kirk's plan made for Fuller and Watson of the north half of lot twenty-one in the first concession of the said township of Minto, which plan is duly registered in the registry office for the North Riding of the county of Wellington, save and except those parts of said lots seventeen and eighteen heretofore conveyed by William Clark to Lionel Herbert Clark and Willmott D. Matthews by deed duly registered in said Registry Office as No. 4890, for the township of Minto, all the above mentioned lands being subject to the reservations, easements and servitudes contained in said recited instrument No. 4890 for said township, which lands immediately adjoin the northerly boundary of the said municipality, and

Whereas it has been agreed between the said company and the said municipality that the said company or its assigns apply to the Legislature of the Province of Ontario for legislation to bring the said lands within the said municipality and to empower the said company to issue bonds to the amount of \$25,000 with interest at the rate of four per centum per annum, payable in twenty-five equal annual instalments of principal and interest, and to legalize this indenture and the by-law hereinafter mentioned, and to authorize and empower the doing of all things necessary hereto, and

Whereas the said municipality has agreed with the said company to exempt the said lands of the said company and the buildings, plant and machinery of the said company from taxation (except school taxes) for a period of ten years from the 31st day of December, 1899, upon certain conditions and provisos, and

Whereas the said municipality has agreed to guarantee the said bonds of the said company, and

Whereas the said municipality has agreed to submit to the vote of the ratepayers of the said municipality, a by-law to enable the council of said municipality to carry out the terms, conditions and provisos of this indenture,

Now therefore in consideration of the premises and the terms, covenants, conditions and provisos hereinafter set out, the said company hereby covenants and agrees for itself and assigns to and with the said municipality to apply to the Legislature of the Province of Ontario at the expense of the said company or its assigns for an Act to alter the boundaries of the said municipality so as to bring the said lands of the said company within the said municipality and for an Act to legalize this indenture and the by-law hereinafter mentioned, and to authorize the doing of all things by the proper officers of the said company or its assigns, and the said municipality for the execution and carrying out of the conditions, terms, covenants and provisos of this indenture.

And the said company for itself and its assigns, covenants and agrees to and with the said municipality to pay all costs of and incidental to the said application for the said legislation, and of the submission to the vote of the ratepayers of the said municipality of the by-law hereinafter mentioned and of and incidental to the carrying out of the terms hereof.

And the said company for itself and its assigns hereby covenants and agrees to and with the said municipality that notwithstanding anything in the letters of incorporation of the said company contained or in any Act of the Legislature of the Province of Ontario applicable to the said company, the council of the said municipality, from time to time, shall be at liberty to appoint two directors of the said company in addition to the number of directors elected by the shareholders of the said company, such directors not necessarily being shareholders in the said company, and that each of the said directors so appointed shall have the power to vote at all meetings of the shareholders of the said company such votes to have the same force as if each of said directors held \$5,000 stock in said company, and that the said council of the said municipality shall be and is hereby empowered to appoint annually or oftener if the said council deem it advisable, an auditor with full power to examine and audit the books, papers and records of the said company or its assigns whenever instructed by the council so to do, and to report thereon to the said council.

Provided that the auditor so appointed may at any time, upon the instruction of the said council, examine and audit the said books, papers and records of the said company and of its assigns and report thereon to the said council. And the said municipality hereby convenants and agrees with the said company and its assigns that upon the issue by the said company of bonds amounting to \$25,000.00 with interest at the rate of four per centum per annum payable in twenty-five equal annual instalments of principal and interest, the said municipality will guarantee the payment of such bonds subject to the following provisos :

Provided always that at least \$15,000 of the capital stock of the said company shall be bona fide subscribed for and not less than \$10,000 paid in on such subscription and applied in payment of the said lands, buildings, plant and machinery of the said company or its assigns, and satisfactory evidence thereof furnished to said council before the said municipality may be required by the said company to so guarantee the payment of the said bonds.

Provided further that the money received from the sale of the said bonds shall be paid to the treasurer of the said municipality and that the treasurer shall receive the same in trust to pay all liens and incumbrances on the property of the said company or its assigns either real or personal, in so far as the same will extend, and to pay to the said company or its assigns, the balance of the said moneys (if any) after such payment of liens and incumbrances upon the order of the said municipal council, but such balance (if any) shall not be paid over by said treasurer until the said property real and personal of the said company is of at least the value of \$35,000 and free from all incumbrances.

And the said municipality hereby agrees with the said company and its assigns that upon the said lands of the said company being brought within the boundaries of the said municipality the said company or its assigns will be exempt from taxes (except school taxes) therefor and for any other lands of the said company and for the buildings, plant and machinery of the said company or its assigns subject to the following provisos: Provided that all employees of the said company or its assigns, shall reside within the limits of the said municipality and that in default thereof such exemption from the payment of taxes shall from time to time and so often as any of the employees of the said company reside without the limits of the said municipality cease, and the said company, or its assigns shall then pay taxes as hereinafter provided

Provided further that such exemption from the payment of taxes shall apply only to the real and personal property of the said company or its

assigns

assigns bona fide required, held and used by the said company or its assigns in and for the carrying on of the business of and incidental to a pork packing industry and not otherwise.

And it is further provided that such exemption from the payment of taxes shall not apply or extend to exempt from such taxes dwelling houses erected or hereafter erected on the lands of the said company or its assigns.

Provided further that so much of the property as would, if this agreement and the said by-law to be passed in pursuance hereof had not been executed and passed, be liable to assessment, shall annually be assessed in the usual way and rated and placed on the collector's rolls and the exemption hereby agreed to shall only take effect on the production to the mayor of the said municipality for the time being, on or before the first day of December in each year of a statutory declaration to be made by the president or managing director or manager of the said company or its assigns declaring that all employees of the said company or its assigns reside within the limits of the said municipality and have so resided during the preceding year or such part thereof as any such employee has been in the employ of the said company and that the real and personal property of the said company or its assigns is bona fide required, held and used by the said company or its assigns in and for the carrying on of the business of and incidental to a pork packing industry and not for any other purpose, and upon the mayor granting his certificate certifying the facts required to be set out in the said statutory declaration, the taxes and rates assessed and rated against the said lands, buildings, plant and machinery shall not be collected, except school taxes.

And the said company hereby for itself and its assigns covenants and agrees to and with said municipality to insure the buildings, plant and machinery of the said company or its assigns and to keep the same insured to their insurable value from time to time until the said bonds are fully paid and satisfied, in a company or companies to be approved of in writing, by the mayor and clerk of the said municipal council, and that the mortgage hereinafter mentioned shall contain a clause for such insurance, and such policy or policies shall be assigned to the said municipality and in the event of damage by fire the moneys payable under said policy or policies shall be payable to the said municipality and may by the said municipality be applied in restoring the building or buildings, plant or machinery so damaged, or held by the said municipality to pay the unpaid or unmatured bonds guaranteed by the said municipality as aforesaid according to the exigencies thereof in so far as the said money will extend, as may be directed by a vote of the ratepayers entitled to vote on railway bonus by-laws, to be taken. Provided that nothing herein contained shall effect any statutory right or privilege of said municipality as mortgagees.

Provided that in default of said company or its assigns effecting such insurance as hereinbefore required, the said municipality shall effect such insurance and pay the premium or premiums therefor, and any such payment of premium or premiums shall be charged by the said municipality against the said company or its assigns and shall bear interest at the rate of six per centum per annum, and shall be, together with said interest, collected from said company or its assigns as and for liquidated damages. And the said company for itself and its assigns covenants to repay the same.

And the said company hereby for itself and its assigns covenants and agrees with the said municipality to give to the said municipality a mortgage of the lands of the said company or its assigns as collateral security to the said municipality for its liability under the said guarantee of the said municipality of the said bonds of the said company and for the payment of any liability of the said company or its assigns to the said municipality hereunder, which mortgage shall contain the ordinary statutory



statutory covenants, provisos and agreements applicable thereto, (the power of sale to be upon three months default and three months notice) and such others as the municipality may deem advisable for the security hereby intended.

And the said company hereby covenants for itself and its assigns to and with the said municipality, that the said company or its assigns shall not during the currency of the said mortgage remove from off the said premises or sell or incumber the plant or machinery of the said company or its assigns without the consent by resolution of the council of said municipality, and that any such removal, sale or incumbrance shall be and shall be provided a default, by the said company or its assigns under the said mortgage, and the consent, by resolution, of said council shall only be given where such removal is for the purpose of increasing the value of the property of the said company by repairs or replacing machinery.

And the said municipality hereby covenants and agrees with the said company and its assigns that the council of the said municipality will pass a by-law (and if the council of the said municipality deem it advisable, submit the same to the vote of the ratepayers of the said municipality) necessary to enable the said municipality to carry out the terms, conditions and provisos in this indenture.

Provided always that if the said company fail to obtain such legislation as is necessary to render operative and to legalize this indenture or in the event of such a by-law being submitted to the vote of the ratepayers and not receiving the sanction of a sufficient number of the said ratepayers, the covenants, promises, agreements and obligations of the said municipality hereunder and herein contained shall be void and of no effect, otherwise the same shall remain in full force and effect.

In witness whereof the said parties hereto have hereunto set the hands of the president and secretary of the said company and the hands of the mayor and clerk of the said municipality and the corporate seals of the said company and the said municipality.

Company  
seal.

(Sgd.)

W. J. FALCONER,  
President.  
JOHN OLIVER,  
Secretary.

Municipal  
seal.

(Sgd.)

R. SHIELDS,  
Mayor.  
S. CASWELL,  
Clerk.



## CHAPTER 70

An Act to confirm an agreement between the Town of Perth and the Perth Water Works Company, Limited, and for other purposes.

*Assented to 1st April, 1899.*

WHEREAS The Canadian Electric and Water Power Company, Limited, was incorporated for the purpose of supplying the municipality of the Town of Perth with electricity for light, heat and power, and with a water supply for domestic, fire and other purposes; and whereas a petition has been presented by the said The Canadian Electric and Water Power Company Limited, assignees, under an agreement between the said municipal corporation and one Alphonse Charlebois acting on behalf of The Perth Water Works Company, Limited, praying that an Act may be passed approving and confirming the privileges and franchises conferred by the said agreement and whereas it is expedient to grant the prayer of the said petition;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The agreement of the first day of February, 1897, between the Municipal Corporation of the Town of Perth and Alphonse Charlebois, a copy of which is set forth in Schedule "A" to this Act, and which by endorsement thereon also set forth in the said schedule, was assigned to the Perth Water-works Company, Limited, and which was further assigned by the

Agree confirm

last

last mentioned company to The Canadian Electric and Water Power Company, Limited, by deed dated the 14th day of June, 1898, which is set forth in Schedule "B" to this Act, is hereby ratified, confirmed and declared to be valid and binding upon the Town of Perth and The Canadian Electric and Water Power Company, Limited, as if the said agreement had originally been made with the said last mentioned company.

---

### SCHEDULE. A.

This agreement made in duplicate the 1st day of February in the year of our Lord one thousand eight hundred and ninety-seven.

Between, The municipal corporation of the Town of Perth in the County of Lanark and Province of Ontario, of the first part, and Alphonse Charlebois of the City of Quebec in the Province of Quebec, Contractor, of the second part.

Whereas the said Alphonse Charlebois acting on behalf of himself and the proposed Perth Water Works Company which is to be duly incorporated under the laws of the Province of Ontario and to have its head office and chief place of business in the said Town of Perth for the purpose of supplying water within the limits of the said Town of Perth upon the terms and conditions hereinafter set forth, has agreed to establish a system of water works in the said town.

Now this agreement witnesseth, that the said Alphonse Charlebois in consideration of the powers and privileges granted to him on behalf of the said Perth Water Works Company by the by-law of the municipal council of the said corporation hereinafter referred to for himself, his heirs, executors, administrators and assigns, as well as for the said proposed Perth Water Works Company, its successors and assigns, assume all responsibilities placed on him, them or the said proposed company under said by-law and covenants, promises and agrees to and with the said corporation that he, they or the said proposed company will well, truly and faithfully perform, fulfil and carry out all the provisions, stipulations and obligations to be by him or the said Perth Water Works Company kept, observed and performed as in the said by-law set out, which by-law enacts as follows :—

1. In consideration of the public benefit to be derived therefrom and to be conferred by the said Water Works Company, the town council of the Town of Perth hereby grants for a period of twenty-five years from the time this by-law takes effect unto the said A. Charlebois on behalf of the said company, its successors, associates or assigns the exclusive right and privilege of constructing and maintaining within the limits of this municipality, as they now exist, or may hereafter be extended, a system of water works to operate and work the same, to give, supply or sell water for drinking, sprinkling, fire or other purposes, to use and enjoy the freedom of the streets, alleys public squares, roads and all public places within the limits of this municipality, for the purpose of laying pipes, mains or other conduits and for the construction and maintenance of the said system of water works and for making excavations, repairs and extensions to the said system, from time to time to enter in to private property for the purpose of laying such pipes, and making repairs thereto whenever the same may be necessary ; the whole subject to the stipulations and conditions herein expressed.

2. Should the said Company, in prosecuting said work, require to expropriate private property it shall have the power to do so, and should it cause damage thereto, the indemnity payable by the said company shall be ascertained according to the method indicated for expropriation under the laws of the Province of Ontario, and the said company shall properly settle all claims of individual proprietors so determined to the complete exoneration of this corporation.

3. The said water works company shall not at any time break up the streets or squares in such a manner as to cause any unnecessary danger to public or private property, nor in any way prosecute or perform the work aforesaid so as to render any inconvenience to the inhabitants but shall use all proper care and diligence in the prosecution of the said work, and in such manner as to cause as little inconvenience as possible and that all proper precautions be taken and lights placed at night by the said company at all openings and excavations as a protection to the public from accident, and that after the breaking up or opening of such streets or public squares and sidewalks from time to time respectively the said company shall as soon as possible consistent with the due and proper performance of their work, relay, replace and level such streets, public squares and sidewalks, and leave them in as good a condition as they were before such openings, breakings and excavations were made.

4. The company agrees at all times to give preference to local labourers in the construction and extension of said works all conditions being equal.

5. The said company in the laying of mains and pipes and excavating streets shall use all proper and necessary precautions to avoid interference with existing drains, and where it becomes necessary to interfere with such drains, shall after the mains and pipes are laid restore such drains to the condition in which they were prior to such interference.

6. The said municipal council hereby grants the said company an absolute exemption of municipal taxes (excluding the school taxes) in connection with the said system of water works, for the period of ten years.

7. The company will undertake to construct, complete and maintain in operation a first-class system of water works during the period of twenty-five years in such portions of said municipality as is hereinafter provided. The water is to be taken from the Tay River in the immediate vicinity of Matheson's upper bridge or above that point, with an intake pipe of sufficient capacity to supply the pumps and machinery and answer all requirements which the company are to agree to protect from all contamination or fouling so that a supply of pure water shall always be provided to the municipality.

8. The said system of water works shall be such as will give a first-class service for the population of Perth and as will give for fire purposes such a pressure as will at all times during the said franchise satisfy the Underwriters Association for Class C in the Underwriters Insurance classification.

9. It is expressly stipulated that the main pipes of the said system shall be of cast iron, cast vertically and tested to 300 lbs. pressure and of such size, dimensions and weight as to give the best results in the distribution of the water, but no pipes of a less diameter than four inches will be used except with the consent of the Water Works Committee.

10. The said company will erect a good stone or brick building as a pumping station thoroughly fire proof with slate or iron roof and a smoke stack of sufficient height to secure a good draught, such building to be of such dimensions as to contain necessary machinery for the purpose of said system.

11. The pumping power, pumps and all accessories will be of the most improved types in duplicate and each pump will be of sufficient capacity when pumping directly into the mains to give for fire purposes water pressure of sufficient power and capacity to concentrate three streams, each through three hundred feet of two and one-half inch hose and one and a quarter inch nozzle and to throw the same over any building in any

of



of the business portions of the town, but not less than one hundred and twenty feet horizontally, and to give a water pressure at the town hall of one hundred and twenty pounds to the square inch, and throughout the entire system to meet all the requirements of the Underwriters Association for Class C said machinery to be kept in good order and equal to the said requirements during the whole period of said franchise.

12. It is understood that the trenches shall not be less than five and one-half feet below the top of the streets.

13. The said company shall excavate the streets and properly lay not less than thirty-seven hundred feet of ten inch pipe, fifteen hundred feet of eight inch pipe, thirteen thousand feet of six inch pipe and thirteen thousand four hundred and eighty feet of four inch pipe, all inside measurement with sufficient large pipes from the pumping station to main branches to produce the best results in the distribution of the water. Such pipes to be laid in such streets as may be agreed upon by the engineers appointed by the said Corporation and the said company. It being understood that plans shall be prepared by the Company's engineer and submitted to the engineer appointed by the Corporation for his approval on or before the first day of April 1897 the said company agreeing to substitute pipes of any of the sizes hereinbefore mentioned in quantities different from those so mentioned whenever such changes are considered necessary by the engineer acting on behalf of the Town to secure the efficiency of the said system.

14. All materials, articles, connections and appliances in connection with the said system of water works shall be of the best and most approved description and shall be fitted and placed in the most workman-like manner and the entire works and materials shall at any and all times during the progress of construction of the said system and extension thereof be subject to the inspection and approval of the Council of the Corporation as being in accordance with the terms of this by-law.

15. The laying of the pipes from the mains in the nearest streets where the system extends shall be made at the expense of the consumers themselves, the connection with the main pipe will in all cases be made by the company.

16. The whole system of water works will be constructed and operated by the company, and is to constitute for this municipality or the tax payers no other charge than the payment of the water tax hereinafter authorized and of the annual payment hereafter provided for by the corporation.

17. The water may be used in the houses to which it is supplied or the stables, lawns and gardens in connection therewith and for all domestic purposes excepting for any motive power of any kind whatever. All plumbing and fixtures to be paid for by the user, but no person shall be compelled to take and pay for water unless he so desires. Notwithstanding the above stipulations it will not be lawful for any subscriber to allow or permit any non-subscriber to take or carry away water on or from his or their premises or to wantonly waste water for any reason whatever, under a penalty or fine of not less than five dollars for each infraction of the above regulation, and the company will have the right at all times when required between ten o'clock in the forenoon and three o'clock in afternoon to visit and inspect all premises that are supplied with water.

18. The company undertakes within three months at any time convenient from the first day of May to the first day of November in any year, after requisition in writing from interested proprietors to extend its system to any other streets of the municipality upon the assurance of a regular yearly additional revenue, equal to six per cent. on the cost of said extension during first two years; this council assuming no liabilities or guarantee respecting the prospective revenue upon such extension, the company satisfying itself of such revenue may voluntarily make such extension from time to time as they may deem necessary provided the municipality be first notified thereof at least ten days in advance.



19. The company shall not charge persons requiring the water any greater rates than the following for the purposes mentioned in Clause 17 of this by-law :—

Class A.—For properties assessed up to five hundred (\$500.00), \$5.00 per annum.

Class B.—For properties assessed from \$500.00 to \$2,000.00, \$5 00 per annum for first \$500.00 and \$1.00 additional for each extra \$150.00 valuation or fraction thereof.

Class C.—For properties assessed from \$2,000.00 to \$6,000.00 \$15 per annum for the first \$2,000.00 and 25 cts. additional for each extra \$100 or fraction thereof.

Class D.—For properties assessed from \$6,000.00 upward \$25.00 per annum for the first \$6,000.00 and 12½ cts. for each extra \$100 valuation or fraction thereof.

Special rates may be charged railway companies, factories, laundries, hotels, stores, shops of all kinds, public buildings, mills, builders and contractors and other large concerns such rates to be fixed by mutual agreement or by metric measurement or otherwise by arbitration as hereinafter mentioned.

20. The said company at its own expense shall furnish, construct and maintain in the streets where mains are to be laid forty double nozzle hydrants of the latest or most improved patterns with suitable threading for two and one-half inch hose in such locations as said corporation may direct at the time of or before the construction of the works. But no hydrant shall at any time be placed on any pipe of a less diameter than six inches without the consent of the waterworks committee of the said municipal council.

21. In consideration of the construction, maintenance and use of said hydrants the corporation will pay annually on the fifteenth day of December the sum of thirty-five dollars for each and every one of the forty hydrants during the first five years and twenty-five dollars per annum for the remaining period of the franchise and the company shall furnish such additional hydrants as may be required at the above mentioned rates, providing such demands for hydrants be made between the first day of May and the first day of November, and the corporation may use all hydrants for fire, sprinkling and municipal purposes and also for flushing the actually existing drains and all extensions thereof, provided the water system extends thereto, but must not allow any person to interfere with or take water from any such hydrants other than for the purposes above mentioned.

22. The company will be at liberty to fix the mode of payment of water rates according to its own convenience provided that the payments be not exacted more frequently than quarterly in advance.

23. The company agrees during the term of said franchise to protect the public in the use of the streets of the said town from all possible damage or accident arising from the construction, extension or repairing of said water works, and to save harmless the said Corporation from any legal liability arising from such construction, extension or repairing or in any way connected therewith and during such construction, extension or repairing of the said system to provide good and sufficient ingress and egress to and from private properties.

24. It is understood that should there be at any time a failure in the supply of water to any hydrant, or to any house or property from any negligence on the part of the company except in cases where on account of breakage or leakage the supply may be stopped temporarily to permit of the necessary repairs, then the parties who may be liable to pay for water rates, shall not be required to pay any sum for water during the time the same has been stopped, and the company shall deduct a proportionate amount from the sum or sums agreed to be paid for such water

water rates; proof of a failure of water in the case of hydrants, and of failure of water, and that the connections and pipes to and in any house, in the case of private property are in proper working order; shall be sufficient prima facie evidence of negligence on the part of the company.

25. And it is also further understood that if the said company shall except through vis major for three days make default in so maintaining the system as to give the best results for fire purposes, then and in such an event the Council of the town, upon and after giving three days notice shall have full power and authority to deduct from the payment to the said company the sum of twenty-five dollars per day as liquidated damages for each and every day thereafter during which such insufficiency shall continue.

26. The company shall on completion of the said works or of any extension thereof, or within one month thereafter deliver to the corporation a sworn statement or statements by some responsible officer or officers of the company, acquainted with the facts, setting out in detail the cost of the material and labour used and expended in the said construction or extension and shall if and when required by the said corporation furnish vouchers for any and all expenditures included in such statement or statements, but there shall not be included in any such statement or statements as part of the costs of the construction or extension aforesaid any sums or fees paid to the engineer or engineers of the company beyond the sum of \$1,500.00 and any material supplied to the said company shall not be charged for in such statement or statements at any greater price than that at which the same or similar material, equally efficient, can be purchased at the time of such construction or extension; and such statements so delivered as aforesaid shall be conclusive upon the said company as to the cost of such construction or extension.

27. At any time within three months after the expiration of twelve years from the commencement of the supply of water by the said company the corporation may notify the said company in writing that it is the intention of the said corporation to purchase said system of water works, and upon such notice the corporation may purchase said system of water works at a price equal to the cost of the construction of said system, and all extensions thereof, with an advance or bonus of ten per cent. on the cost of all land purchased for and material and labour used and expended in the construction of said system and all extensions thereof, of the costs of which sworn statements have been delivered by persons and within the time hereinbefore mentioned, and in case of disagreement as to the whole of such cost or part thereof, the same shall be determined by three arbitrators appointed as hereinafter mentioned, but upon any such arbitration the said company shall be precluded from stating that the cost of such construction or extension is greater than is set out in the sworn statement or statements in the preceding paragraph hereof mentioned.

28. The purchase price at all times to be arrived at without regard to monopoly, revenue, franchise or depreciation and with regard only to the cost and bonus as aforesaid, by agreement or by three arbitrators, one being named by the corporation, one by the company and the third arbitrator by the two others or by the county judge of the County of Lanark for the time being, in case of disagreement. Should the third arbitrator be appointed by the county judge he shall be required to be completely disinterested, either as a taxpayer or otherwise. After such arbitration, should the corporation decide not to purchase the said system at the price fixed by the arbitrators, the town shall pay all costs in connection therewith, and will not have the option of a new arbitration before five additional years have elapsed and so on until they decide upon the acceptance of the award to be made as above mentioned.

29. The Company shall in good faith commence the construction of the said works by the month of June next and shall have them completed in the month of November next unless prevented by unforeseen and uncontrollable

trollable circumstances, and in default of the commencement or final completion of the work as aforesaid, except for reasons stated, all the powers, authorities and privileges granted by this by-law shall be forfeited.

30. Before beginning to dig or excavate the streets, materials appropriate to the work, to the value of at least two thousand dollars shall be delivered by the Company in Perth and all such materials shall be deemed to be pledged as security for the carrying out by the Company of all its undertakings regarding construction.

31. The Company may transfer, sell or dispose of said system at any time, provided all the obligations of the Company towards this council and the ratepayers are integrally and absolutely assumed by the transferee and subject to the privileges of the council herein provided for.

32. Any difficulty arising between the company and interested parties shall be settled by arbitration, the company naming one arbitrator and the said interested parties with whom said difficulty may exist naming one arbitrator and these two arbitrators shall name a third and in case of dispute as to the appointment of the third arbitrator, he shall be appointed by the County Judge of the County of Lanark and chosen among persons totally disinterested as ratepayers or otherwise.

33. The company shall bear all responsibility regarding claims to damages which may arise through the construction, maintenance or working of the said system of water works and all extensions thereof.

34. Wherever in this by-law the words "The Company" occur, they are to apply to any person or company being in possession of, or having assumed all responsibilities in connection with the said system.

35. An agreement is to be executed between the said A. Charlebois representing the company and the corporation, based upon this by-law without delay, after the passing of this by-law and the mayor and the town clerk are hereby authorized to execute and sign such contract in the name of and on behalf of this corporation.

36. This by-law will take effect from the day that an agreement based thereon shall be executed between the corporation and the company.

The said Charlebois for the consideration aforesaid on behalf of himself, his heirs, executors, administrators and assigns further covenants and agrees to and with the said corporation that he or they will on or before the 1st day of April, A.D. 1897, submit to the engineer, to be appointed by the said corporation, for his approval the plan of the said Charlebois for the distribution of water throughout the town, showing thereon the sizes and location of all pipes to be used and all necessary details (including location of hydrants as determined by the council of the corporation) to enable the said engineers to form a proper judgment as to the efficiency of the said system of water distribution for both fire and domestic purposes, and that he or they will before the commencement of work obtain the approval to the said plan or modifications thereof, of the said engineer who shall be at liberty, notwithstanding clause "thirteen" of the by-law to require the use of pipes of the different sizes mentioned in said clause, in different quantities to those mentioned in the said clause, if in his opinion change is necessary to secure the efficiency of the said system, provided however that any such changes shall not increase the quantity of pipes beyond six miles.

The said Charlebois further covenants in manner aforesaid with the said corporation that he will, well and faithfully and in proper workman-like manner build, construct, equip and maintain the said system of water works in accordance with the terms of the said by-law, this agreement and the plan to be approved by the engineer of the corporation as aforesaid; and that upon failure to complete the said system of water works in accordance with the terms of the said by-law and this agreement within one month from the time fixed for the final completion thereof,



thereof, he will well and truly pay or cause to be paid to the said corporation the sum of two thousand dollars as liquidated damages (and not as penalty) for breach of this agreement as to time, for completion of the said works and that this clause shall not be taken or deemed to be or grant any extension of the time mentioned in the said by-law for completion of the said system of water works, but all rights, powers and privileges accruing to the said corporation upon failure to complete the said system within the time defined in the said by-law may notwithstanding this clause and in addition thereto be exercised by the said corporation or the council thereof.

In witness whereof, the mayor and the clerk of the said corporation have hereunto set their hands and affixed the corporate seal of the said corporation, and the said A. Charlebois representing the said proposed Perth Water Works Company has hereunto set his hand.

Signed, sealed and delivered in the presence of (Sgd.) JOSEPH MIGNAULT.	{	(Sgd.) J. A. ALLAN,	[Seal.]
		Mayor.	
		(Sgd.) JNO. A. KERR,	
		Town Clerk.	
		(Sgd.) A. CHARLEBOIS.	[Seal.]

For value received I hereby assign, transfer and set over unto the Perth Water Works Company, Limited, all my right, title and interest whatsoever in and to the within contract between the municipal corporation of the town of Perth and myself, dated February 1st, 1897, and all benefits and advantages whatever arising thereunder, either in the way of the franchise or otherwise howsoever.

Dated June 14th, 1898.

A. CHARLEBOIS. [Seal]

Witness : R. G. CODE.

## SCHEDULE B.

MEMORANDUM of Agreement made and entered into this 14th day of June A. D., 1898, between The Perth Water Works Company, Limited, of the first part, and The Canadian Electric and Water Power Company, Limited, of the second part.

Whereas the said Company of the first part owns and operates at the Town of Perth in the County of Lanark, a system of water works with all necessary apparatus, engines works, water powers and conveniences connected with said works, or any of them or incidental thereto, and possesses also for a term of years the exclusive right and privilege of maintaining within the limits of the said municipality and of operating and working the said system of water works for supplying water for drinking, sprinkling, fire and other purposes.

And whereas the said Company of the first part, have agreed to sell all their right, title and interest in and to said system of water works, and to transfer same together with said exclusive right and privilege of maintaining same; and the said Company of the second part have agreed to purchase said system of waterworks and all and everything incidental thereto.

Now this Agreement witnesseth that for and in consideration of the premises of the mutual covenants herein contained and of the sum of \$84,375.00 now paid, the parties hereto, for themselves, their successors and assigns, mutually covenant and agree as follows :—



1. The Company of the first part to assign, transfer and set over, and by these presents it doth assign, transfer and set over unto the Company of the second part, all its right, title, interest, claim and demand whatsoever in and to the system of waterworks so constructed at the Town of Perth aforesaid, and in and to all apparatus, engines, works, water powers and conveniences whatsoever connected with the said works or any of them or incidental thereto, and doth also assign, transfer and set over the exclusive right and privilege of maintaining within the limits of said municipality a system of waterworks as set out in an agreement bearing date the first day of February, 1897, between the said municipal corporation of the Town of Perth, and one Alphonse Charlebois, Contractor, which latter contract, and all rights thereunder, the Company of the first part now assigns to the Company of the second part, and the Company of the second part accepts such assignment and assumes all obligations that may or might at any time arise under said contract of date the first day of February, 1897, aforesaid.

2. The said Company of the second part to pay to the said Company of the first part the sum of eighty four thousand three hundred and seventy-five dollars (\$4,375.00) for the transfer of said waterworks system and all apparatus and works incidental thereto as aforesaid, said sum to be paid in cash and the receipt whereof is hereby acknowledged by the said Company of the first part.

3. The said Company of the second part as assignee of the said agreement of date the first day of February, 1897, between the municipal corporation of the Town of Perth and the said Alphonse Charlebois, assumes same and consents that it be read with and form part of this agreement; and it is the intention that the said Company of the second part be bound in all respects thereunder as were the said Charlebois or the said Company of the first part; and the said Company of the Second part do hereby indemnify and save harmless the said Charlebois or said Company of the first part of and from all liability that may or might arise under said contract with said corporation.

4. The said Company of the first part will, by deed properly executed pursuant to Statute in that behalf, convey and assure unto said Company of the second part all real estate belonging or appertaining in any way to the said system of waterworks aforesaid.

In witness whereof the said Companies have here unto affixed their corporate seals as witness the hands of their President and Secretary the day and year first above written.

The Perth Waterworks Co., Limited,  
JOHN HAGGART,  
President.  
W. A. ALLAN,  
Secretary.

Canadian Electric and Water Power Co., Limited,  
JOHN HAGGART,  
President.  
W. A. ALLAN,  
Secretary.

## CHAPTER 71.

## An Act respecting the Town of Peterborough.

*Assented to 1st April, 1899.*

## Preamble.

WHEREAS by the Act of the Parliament of Canada, passed in the 24th year of Her Majesty's reign, chaptered 61, it was amongst other things enacted, that it should not be lawful for the Town of Peterborough to incur any further liability than as therein provided, except for current expenses, to be paid out of the annual assessment, without the sanction of the Legislature; and whereas the said corporation have by their petition prayed for the passing of an Act to confirm the by-laws of the said corporation hereinafter mentioned, relating to the William Hamilton Manufacturing Company, Limited, and to enable the corporation to acquire and develop water-power on the waters of the River Otonabee, in the Town of Peterborough or in the Townships of Smith and Douro as far north but not including the dam known as the Nassau dam on the said river, and to transmit and supply electric light and heat for municipal purposes only and power for all purposes except commercial or private lighting, and to authorize the issue of debentures of the said corporation for the purposes aforesaid and for the purchase of waterworks; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Certain by-laws confirmed.

1. By-law number 838 of the said corporation, passed on the 7th day of November, 1898, entitled "A by-law to aid the

William

William Hamilton Manufacturing Company, Limited," and by-law number 851 of the said corporation, passed on the 27th day of February, 1899, entitled "A By-law to partially exempt from taxation the manufacturing establishment of the William Hamilton Manufacturing Company, Limited, and to stop up and convey to the said company that part of Downie Street in the Town of Peterborough between Murray Street and the line of the Grand Trunk Railway Company," are hereby confirmed and declared legal, valid and binding, according to the true intent and meaning thereof.

2—(1) It shall and may be lawful for the said corporation to acquire, develop and improve waterpower on the waters of the River Otonabee at any point thereon south of and in no way using power obtained from the dam known as the Nassau dam on the said River Otonabee, together with such lands as may be necessary for the purposes and objects of this Act; and to purchase and acquire by agreement or by expropriation proceedings such lands as may be necessary for the purposes aforesaid and the plant of any electric light or power company together with such lands as may be necessary for the purposes and objects of this Act; and to maintain and manage the waterworks of the Peterborough Water Company and the dam and waterpower and the lands and buildings and other property in connection therewith; and to erect or purchase buildings or machinery and poles, wires and other appliances and to transmit and supply electric light and heat for municipal purposes only and to transmit and supply any surplus power for all purposes except commercial lighting or private lighting on such terms and conditions as the council may from time to time determine and to exercise as applied to the purposes and objects of this Act the powers conferred upon municipalities by *The Municipal Light and Heat Act* and by *The Municipal Waterworks Act*.

Authority to  
develop water  
power and  
purchase land.

Rev. Stat.  
c. 234.  
Rev. Stat.  
c. 235.

(2) Provided that before the said corporation shall engage in municipal lighting under this Act, they shall purchase at a price to be determined either by agreement or arbitration the poles, wires, lamps and other appliances used on the streets of the town only belonging to the company at the time supplying the municipal lighting of the town; provided further that unless such company shall on application made by the corporation agree to sell such poles, wires, lamps and other appliances, at their actual value at the time to be determined by arbitration, if the parties fail to agree upon the price, this restriction shall not be binding upon the corporation; and provided further that this Act shall not be construed as cancelling any existing contract.

3. Notwithstanding anything contained in the said Act of the Parliament of Canada, passed in the 24th year of Her Majesty's reign, chaptered 61, or any other statute affecting the

Authority to  
pass by-laws  
to raise  
money.

Town

Rev. Stat.  
c. 223.

Town of Peterborough, it shall and may be lawful for the Council of the Town of Peterborough to pass by-laws for the purpose of raising money for the purposes aforesaid or any of them, provided that any such by-law shall be submitted to and receive the assent of the electors of the said town in manner provided by *The Municipal Act*, and any debentures issued under this Act shall be deemed to be in addition to the debentures authorized by the Act of the Legislative Assembly of the Province of Ontario, passed in the 53rd year of Her Majesty's reign, chaptered 99.

Authority to  
pass by-law  
for rebuilding  
of bridge.

4. It shall and may be lawful for the said Town of Peterborough by by-law passed with the assent of the electors in the manner provided by *The Municipal Act* and upon such terms and conditions as may be provided by such by-law, to assist the Corporation of the County of Peterborough in rebuilding the bridge across Chemong Lake, by payment of a bulk sum not exceeding \$3,000 or by payment of an annual sum not exceeding \$200 a year for a term not exceeding twenty years.



## CHAPTER 72.

## An Act respecting the Town of Petrolea.

*Assented to 1st April, 1899.*

**W**HEREAS Francis Joseph Carman of the Town of Bothwell, Gentleman; Isaac Greenizen of the Town of Petrolea, in the County of Lambton, Barrister; Alexander Murray McQuien, of the said Town of Petrolea, Accountant, Albert Edwin Shaunessy, of the Town of Sarnia in the County of Lambton, Barrister, and John Salmon Carman of the Town of Bothwell in the County of Kent, Gentleman, by their petition have represented that in their belief natural gas may be found at a depth of about 2,000 feet at some point in or in the vicinity of the Town of Petrolea, in the County of Lambton, but that proof whether such natural gas exists or not in said locality can only be had by the expenditure of a considerable sum of money in prospecting therefor, and that no person or Company will expend such moneys unless they are protected as herein provided for; and whereas since the said petition was presented the said petitioners have applied to the Lieutenant-Governor in Council for incorporation under *The Ontario Companies Act* and *The Act respecting Companies for Supplying Steam, Heat, Electricity, or Natural Gas, for Heat, Light, or Power*, and have been so incorporated by letters patent dated the 20th day of March, 1899, as "The Carman Natural Gas Company of Ontario (Limited);" and whereas it has been represented that great benefit and advantage will arise to the residents of the said Town of Petrolea in the way of advantages for light, heating and manufacturing purposes if such natural gas can be found; and whereas it has been further represented that

the Corporation of the Town of Petrolia desires power to enter into a contract or contracts upon certain terms and conditions with the said or any other company for the purposes aforesaid ; and whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Authority to  
contract.

1. It shall be lawful for the corporation of the Town of Petrolea to enter into an agreement with any incorporated company, whereby such company shall have the exclusive right during a period not exceeding ten years of laying under, along and across the highways, streets and roads of the municipality pipes and other appliances for the distribution of natural gas for sale within the said municipality, and upon such terms as to price of distribution as may be agreed upon between the said corporation and such company.

Assent of  
electors.

2. No such agreement shall be entered into until after a by-law ratifying such agreement shall have been passed to which the assent of the electors shall have been obtained in conformity with the provisions of *The Municipal Act* in respect of by-laws for creating debts.

## CHAPTER 73.

## An Act respecting the Town of Port Arthur

*Assented to 1st April, 1899.*

**W**HEREAS the Municipal Corporation of the Town of Port Arthur has petitioned praying that an Act may be passed to confirm and legalize By-Law Number 510 of the said town, passed on the 22nd day of August, 1898, entitled "A By-law to authorize an assessment for town and school purposes for the year 1898," which said by-law is contained in schedule "A" to this Act; and whereas the said corporation has by its said petition represented that it is absolutely necessary, and expedient, and of advantage to the said municipality as well as just and right, that the said by-law number 510 should be ratified, legalized and confirmed; and whereas by its petition aforesaid, the said town has represented that it owns and operates an electric street railway, running from Port Arthur to West Fort William, a distance of some eight miles, and that the fare on the said railway is, by clause 6 of the order in council approved by His Honor, the Lieutenant Governor, dated 31st December, 1892, being schedule "A" to chapter 78 of 56 Victoria, limited to five cents; and that the said fare is an unreasonably low one; and that the traffic on the said railway at the said rate is not sufficient to pay the expenses of the said railway, and that each year a large deficit results which has to be borne out of the general funds of the municipality, and that it has been unable to come to any arrangement with the Corporation of the Town of Fort William for varying the terms of the said order in council as regards said fares, and also in other respects, and has prayed that permission may be given to increase the said fares on the said railway and otherwise amend the said order

Preamble

in council ; and whereas by the Act incorporating the said town, being 47 Victoria, chapter 57, the limits of the said town were defined, and the said town has prayed that the said Act of incorporation may be amended as to the said limits as hereinafter mentioned and whereas the said town was authorized and empowered by section 2 of chapter 74 of 60 Victoria, to purchase an electric lighting plant for municipal purposes, which has been done after a by-law declaring the expediency of purchasing such plant had been submitted to the ratepayers and almost unanimously approved, and the said town has passed by-law number 527 entitled "a by-law to raise \$15,000 by debentures to pay for the electric lighting plant purchased by the town," a copy of which by-law is contained in schedule "B" to this Act, and it is necessary and expedient to have the said by-law ratified, legalized and confirmed ; and whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

By-law No.  
510 confirmed.

1. By-law number 510 of the said town entitled "a by-law to authorize an assessment for town and school purposes for the year 1898" is hereby ratified and confirmed and declared valid and binding upon the said corporation and the ratepayers thereof notwithstanding any want of jurisdiction on the part of the said municipality to pass the said by-law and notwithstanding any defect in substance or in form of the said by-law or in the manner of passing the same.

Rates of fare  
on electric  
railway

2. Notwithstanding the provisions of clause 6 of the schedule "A" to chapter 78 of 56 Victoria, the rates of fare of the electric street railway of the Town of Port Arthur and the question of substituting gravel for planking on the streets of Fort William along the company's tracks may in case the respective councils of Port Arthur and Fort William cannot agree regarding the same be varied from time to time with the consent and approval of the Lieutenant-Governor in Council in that behalf.

By-law No.  
527 confirmed.

3.—(1) By-law number 527 of the said Town of Port Arthur entitled "By-law to raise \$15,000 by debentures to pay for the electric lighting plant purchased by the Town" is hereby ratified and confirmed and declared valid and binding to all intents and purposes upon the said corporation and upon the ratepayers thereof.

(2) All debentures issued heretofore or hereafter to be issued by the Town of Port Arthur for the purpose of purchasing the said electric lighting property and plant or for extending and operating the same shall be a first preferential charge and lien on the said electric lighting property and plant and shall also

be



be a first charge or lien on the net income derived from the operating of the said property and plant.

4. The said corporation may issue debentures under its seal and signed by the treasurer and countersigned by the mayor for the time being for the said sum of \$15,000 in sums of not less than \$100 each.

Authority to  
issue debentures for  
\$15,000.

5. It shall not be necessary to obtain the assent of the electors of the said town to the passing of the said by-law or to the issue of the said debentures or any of them or to observe the requirements which *The Municipal Act* prescribes in relation thereto.

Assent of  
electors not  
necessary.

Rev. Stat.  
c. 223.

6. No irregularity in the form of the said debentures or of the said by-law shall render the same invalid or illegal or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debt with interest or any or either of them or any part thereof.

Irregularity in  
form not to  
invalidate.

7. All the lands and lands covered with water situate within the following limits are hereby declared to be and to have been since the first day of January, 1899, within the corporate limits of the said Town of Port Arthur, that is to say:—Commencing at a point on the water's edge of Thunder Bay where the alignment of the centre line of the road allowance between the Towns of Port Arthur and Fort William, produced easterly, intersects the same; thence west along the said centre line to a point due south of the south-west corner of the south-east quarter of section 53 in the Town of Port Arthur, formerly in the Township of McIntyre; thence north along the western limit of the south-east and north-east quarter sections of the said section 53, and along the western limit of the south-east and north-east quarters of section 50 and along the western limit of the south-east and north-east fractional parts of section 40 to the north-west corner of the said north-east fractional part; thence east along the north boundary of the said north-east fractional part two chains and sixty-eight links more or less to the south-western limit of lot 5, concession "A"; thence north-westerly along the said south-west limit 14 chains more or less to the most western corner of the said lot; thence north-easterly along the north-west limits of the said lot 5 in concession A, and lot 5 in concession B to the most northern corner of the said lot 5 in concession B; thence north-westerly along the north-east limit of lot 6 in concession B two chains and ten links more or less to the dividing line between sections 34 and 35; thence north-easterly along the said dividing line four chains and sixty-one links more or less to the south-west corner of mining location W; thence north along the western limit of the said location W to the north-west corner thereof; thence east along the north limit of the said location W to the western limit of mining location X; thence north

Limits of Port  
Arthur de-  
fined.

north along the western limit of mining locations X, 13 and 10 to the north-west corner of the said location 10; thence east along the north limits of mining locations 10, 9, 8 and A to the eastern limit of the Township of McIntyre; thence south along the said eastern limit to the north-west corner of mining location 6, Herrick's survey, in the Township of McGregor; thence east along the north limit of the said location 6 and the said limit produced to the waters edge of Thunder Bay; thence south 70 degrees, east astronomically 96 chains more or less to a point which is distant one mile measured east at right angles to a north and south line drawn through the most easterly point of mining location 4 at the water's edge thereof, thence in a straight line in a south westerly direction 370 chains more or less to a point where it is intersected by the production east of the centre line of the road allowance between the Towns of Port Arthur and Fort William, the said point being distant 1 mile in a north easterly direction from the water's edge at the south east angle of lot 19 on the water front in the Town of Fort William north of the Kaministiquia River, thence west along the said production of road allowance to the point of commencement.

Assessment  
on property of  
C.P.R. Co.

8. The assessment to be made by the Town of Port Arthur of all the real estate, buildings and machinery comprising the elevator property owned by the Canadian Pacific Railway Company and of all the improvements thereto and of the water lot upon which the said elevator is erected and embraced in the patent from the crown dated the 15th day of April, 1896, and of all other structures now existing thereon, is hereby fixed at \$25,000 for a period of ten years from the 1st day of January, 1899; and the assessment of all the other property of the said company now owned by it within the said limits of the said town and of all buildings or structures thereon and all improvements to the said buildings and structures is hereby as already provided by by-law, fixed at \$25,000 for the ensuing three years.

Claims be-  
tween town  
and C.P.R.  
Co. settled.

9. All claims existing prior to the 31st day of December, 1898, between the said municipality and the said railway company for moneys due in respect of taxes paid to the municipality or as owing by the said company in respect of taxes and for interest upon the amounts of such claims and costs are hereby declared to be settled, determined and put an end to.

## SCHEDULE A.

## TOWN OF PORT ARTHUR.—No. 510.

A by-law to authorize an assessment for Town and School purposes for 1898.

Whereas it is expedient and necessary to raise by way of a tax upon all the rateable real and personal property within the Town of Port Arthur a sum of money for the public use of the corporation for the current year 1898, and also for the purposes of defraying part of the expenses of public and high school education within the town.

And whereas the assessed total value of all the rateable real and personal property in the Town of Port Arthur as the same appears by the last revised assessment roll is the sum of \$1,308,640, of which \$304,348 is non-assessable, and \$21,900 is exempt from taxation except for school purposes.

Therefore the council of the corporation of the Town of Port Arthur, enacts as follows :—

1. The assessment heretofore made for the Town of Port Arthur for the year 1898, as shewn after having been finally revised by the Court of Revision and the Judge of the District Court of the Provisional Judicial District of Thunder Bay, within which is the said Town of Port Arthur, to be the sum of \$1,308,640, as above recited in the preamble of this by-law, shall be and the same is hereby adopted by the council of the corporation of the Town of Port Arthur for the year 1898, on which the taxes for the said year 1898 shall be raised, levied and collected, save and except the non-assessable and exempt portions as before in the preamble of this by-law is recited and as hereinafter is provided.

2. There shall be raised, levied and collected by taxation in the Town of Port Arthur for the year 1898, and for the several purposes and in the manner hereinafter mentioned and directed the several sums and amounts following, that is to say :—

(a) For general purposes : For general town purposes, including debenture sinking fund and interest, including all items of civic expenditure, except those hereinafter specially mentioned, the sum of \$23,086.21, and for the purposes of the said levy and collection a special rate of  $23\frac{1}{2}$  mills on the dollar, upon its assessed value as above mentioned and as the same appears by the last revised assessment roll, is hereby rated and imposed upon all the rateable real and personal property in the Town of Port Arthur.

(b) For school purposes : For public and high school purposes the sum of \$6,527.90, and for the purposes of such levy and collection a special rate or tax of  $6\frac{1}{2}$  mills on the dollar upon its assessable value as appearing as aforesaid is hereby rated and imposed upon all the said rateable real and personal property in the Town of Port Arthur.

3. All monies to be raised, levied and collected under the authority of this by-law shall be paid into the hands of the treasurer of the said Town of Port Arthur, to be by him applied as provided by the Statutes in that behalf, or as the council of the corporation of the Town of Port Arthur shall or may from time to time lawfully direct, and the sum to be raised, levied and collected under the authority of this by-law to defray part of the expenses of the public and high school education within the said Town of Port Arthur shall be applied to that purpose and not otherwise in the manner directed by the Statutes in that behalf in such case made and provided.

GEORGE T. MARKS,  
Mayor.  
JAMES McTEIGUE,  
Clerk.

Council Chamber, Port Arthur,  
22nd day of August, 1898.

SCHEDULE

## SCHEDULE B.

## TOWN OF PORT ARTHUR.—No. 527.

By-law to raise \$15,000 by debentures to pay for the Electric Lighting Plant purchased by the Town.

Whereas the corporation of the Town of Port Arthur has purchased an electric lighting plant for municipal purposes as authorized and empowered by section 2 of chapter 74 of 60 Victoria;

And whereas it is necessary and expedient to raise the sum of \$15,000 by debentures to pay for the same;

And whereas it will be requisite to raise annually during the term of thirty years by special rate for paying the said debt and interest the sum of \$1,017.00;

And whereas the amount of the whole rateable property of the municipality according to the last revised assessment roll amounts to \$1,308,640, of which \$304,348.00 is wholly exempt from taxation and \$21,900.00 is exempt except for school taxes.

And whereas the existing debenture debt of the municipality amounts to \$244,725.00 (of which \$23,475.00 is for local improvements) and no principal or interest is in arrear;

Therefore the council of the corporation of the Town of Port Arthur enacts as follows:—

1. It shall be lawful for the mayor of the corporation of the Town of Port Arthur for the purposes aforesaid to borrow the said sum of fifteen thousand dollars and to issue debentures of the said municipality to the amount of \$15,000 in sums of not less than \$100 each, payable at the end of thirty years from the date on which this by-law takes effect, which debentures shall bear interest at a rate not exceeding five per cent per annum, payable half yearly, on the first days of April and October in each and every year during the currency of the said debentures.

2. The said debentures as to the principal and interest shall be payable at the Ontario Bank, Toronto, Ont.

3. It shall be lawful for the mayor and he is hereby authorized and instructed to sign and issue the said debentures hereby authorized to be issued and cause the same and the interest coupons thereto attached to be signed by the treasurer of the municipality, and the clerk of the municipality is hereby authorized and instructed to attach the seal of the said municipality to the said debentures.

4. There shall be raised and levied annually by special rate on all the rateable property in the said municipality the sum of \$750.00 for the payment of the interest during the currency of the said debentures and also the sum of \$267.00 for the payment of the said debt.

5. This by-law shall take effect on the 30th day of January, 1899.

J. L. MATTHEWS,  
Presiding Officer.

JAS. McTEIGUE,  
Clerk.

Council Chamber, Port Arthur,  
30th January, 1899.



## CHAPTER 74.

## An Act to confirm By-Law No. 467 of the Town of Prescott.

*Assented to 1st April, 1899.*

WHEREAS the Municipal Corporation of the Town **Preamble.**  
of Prescott has petitioned praying that an Act may be passed to confirm and legalize a by-law of the said corporation passed on the fifth day of September A. D. 1898, entitled By-law No. 467 "To raise the sum of one hundred thousand dollars for the construction of a system of Waterworks and Sewers in the Town of Prescott" a copy of which said by-law is contained in the Schedule to this Act; and whereas before the final passing thereof the said by-law was duly submitted to a vote of the ratepayers in accordance with the provisions of *The Municipal Act* and was approved by a large majority of the ratepayers voting thereon; and whereas the said Corporation has represented that it is necessary and expedient and of advantage to the said municipality that the said by-law No. 467 should be ratified and declared legal, valid and binding upon the said municipality; and whereas the rocky nature of the majority of the streets of the said town will render the carrying out of the works referred to in the said by-law unusually difficult and expensive; and whereas there appear to be reasonable grounds for extending by 10 years the period to be covered by the debentures to be issued under the said by-law; and whereas at the last municipal elections in the said town, Commissioners were elected under the authority of a by-law passed in accordance with the provisions of *The Municipal Waterworks Act* on whom will devolve the construction of the waterworks in the said town, and

the

the said corporation have by their said petition prayed that the said Commissioners may be empowered to construct the sewers authorized to be constructed under said by-law No. 467; and whereas it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

By-law No.  
467 confirmed,

1. By-Law No, 467 of the Municipal Corporation of the Town of Prescott set forth in Schedule "A" to this Act is hereby confirmed and declared legal, valid and binding upon the said municipal corporation and the ratepayers thereof notwithstanding any want of jurisdiction on the part of the said municipality to pass the by-law and notwithstanding any defect in substance or in form of the said by-law or in the manner of passing the same and the said Corporation of the Town of Prescott is hereby authorized and empowered to issue debentures as provided by the said by-law and the said debentures so issued under the said by-law are hereby declared legal and binding upon the said municipality and the said corporation are hereby authorized and empowered to do all necessary acts for the full and proper carrying out of the said By-Law No. 467.

Water Com-  
missioners  
authorized to  
construct  
sewers,

2. The Water Commissioners elected for said town are hereby authorized and empowered to construct the sewers to be constructed under said by-law No. 467, and for that purpose all the powers, rights, authorities or immunities which might be exercised or enjoyed by the council and the officers of the corporation acting for the corporation shall and may be exercised by the said commissioners, but nothing herein contained shall be construed to divest the council of its authority with reference to the providing of moneys required in respect of such works, and the treasurer of the municipality shall upon the written certificate of the commissioners pay out any moneys so provided.

## SCHEDULE A

### BY-LAW No. 467.

To raise the sum of One Hundred Thousand Dollars for the construction of a system of Waterworks and Sewers in the Town of Prescott.

Whereas it is deemed expedient to construct a system of waterworks and sewers, together with the necessary buildings, machinery and plant therefor, for the purpose of supplying water for domestic use, fire protection and other purposes, and to carry away properly the sewage of the said town;

And.

And whereas the total estimated cost of the said waterworks and sewers is one hundred thousand dollars, which sum it is necessary to raise for the purposes aforesaid, and in order thereto it will be necessary to issue debentures of the corporation of the town of Prescott as herein provided ;

And whereas it is deemed expedient that the said principal sum of one hundred thousand dollars, so to be borrowed by the said corporation shall bear interest at the rate of four per cent. per annum, payable yearly, and that the said principal sum shall be made payable in forty annual instalments in the forty years next ensuing after the taking effect of this by-law and that such instalments shall be of such amounts that the aggregate amount payable for principal and interest in any year shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of such period ;

And whereas it will be requisite to raise the several sums in each year, respectively set forth in clause numbered two of this by-law for paying the said debt and interest, which said sums amount to the annual sum of five thousand and fifty-two dollars and thirty-five cents, to be raised in each and every year during the term of forty years ;

And whereas the amount of the whole rateable property of the municipality, according to the last revised assessment roll, being in the year 1897, amounts to nine hundred and fifty-two thousand seven hundred and seventy dollars ;

And whereas the existing debenture debt of this municipality amounts to the sum of thirty-three thousand two hundred and forty-two dollars and seventy-six cents, including the sum of five thousand eight hundred and ninety-seven dollars and twenty-six cents of Public School debentures, and no principal or interest is in arrear ;

And whereas it is desirable, subject to the assent of electors and of the Legislature of the Province of Ontario, to construct the said works, and to borrow and expend the said sum of one hundred thousand dollars in the manner and for purposes aforesaid ;

Therefore the municipal council of the corporation of the town of Prescott enacts as follows :—

1. That it shall be lawful for this corporation to construct and maintain a system of waterworks and sewers, together with all buildings, material, machinery and appurtenances thereto belonging, under and subject to the provisions of *The Municipal Act* and *The Municipal Waterworks Act* and any amendments thereto, and subject to any by-law of this corporation lawfully to be passed relating thereto.

2. That it shall be lawful for the Mayor of the said town of Prescott, for the purposes aforesaid, to borrow the said sum of one hundred thousand dollars, and to issue debentures of the said municipality to the amount of one hundred thousand dollars in sums of not less than one hundred dollars each, which debentures shall bear date on the day on which this by-law takes effect and bear interest at the rate of four per cent. per annum, payable yearly, and shall have coupons attached for the payment of interest, and be payable in the manner, for the amount and at the time following, that is to say :—

Year.	Principal.	Interest.	Total.
1900 .....	\$1052 35	\$4000 00	\$5052 35
1901 .....	1094 44	3957 91	5052 35
1902 .....	1138 22	3914 13	5052 35
1903 .....	1183 75	3868 60	5052 35
1904 .....	1231 10	3821 25	5052 35
1905 .....	1280 35	3772 00	5052 35
1906 .....	1331 56	3720 79	5052 35
1907 .....	1384 82	3667 53	5052 35
1908 .....	1440 21	3612 14	5052 35
1909 .....	1497 82	3554 53	5052 35
Year			

Year.	Principal.	Interest.	Total.
1910.....	\$1557 73	\$3494 62	\$5052 35
1911.....	1620 04	3432 31	5052 35
1912.....	1684 84	3367 51	5052 35
1913.....	1752 24	3300 11	5052 35
1914.....	1822 33	3230 02	5052 35
1915.....	1895 22	3157 13	5052 35
1916.....	1971 03	3081 32	5052 35
1917.....	2049 87	3002 48	5052 35
1918.....	2131 86	2920 49	5052 35
1919.....	2217 14	2835 21	5052 35
1920.....	2305 82	2746 53	5052 35
1921.....	2398 06	2654 29	5052 35
1922.....	2493 98	2558 37	5052 35
1923.....	2593 74	2458 61	5052 35
1924.....	2697 49	2354 86	5052 35
1925.....	2805 39	2246 96	5052 35
1926.....	2917 61	2134 74	5052 35
1927.....	3034 31	2018 04	5052 35
1928.....	3155 68	1896 67	5052 35
1929.....	3281 91	1770 44	5052 35
1930.....	3413 19	1639 16	5052 35
1931.....	3549 71	1502 64	5052 35
1932.....	3691 70	1360 65	5052 35
1933.....	3839 37	1212 98	5082 35
1934.....	3992 95	1059 40	5052 35
1935.....	4152 66	899 69	5052 35
1936.....	4318 77	733 58	5052 35
1937.....	4491 52	560 83	5052 35
1938.....	4671 18	381 17	5052 35
1939.....	4858 04	194 31	5052 35

3. The said debentures as to principal and interest shall be payable at the Merchant's Bank of Canada in the said Town of Prescott.

4. It shall be lawful for the Mayor of the said Town of Prescott, and he is hereby authorized and instructed to sign and issue the said debentures hereby authorized to be issued and to cause the same, and the interest coupons attached thereto, to be signed by the treasurer of the said municipality, and the clerk of the said municipality is hereby authorized and instructed to attach the seal of the said municipality to the said debentures.

5. There shall be raised and levied in each year by a special rate sufficient therefor, on all the rateable property in the said municipality the sum of five thousand and fifty-two dollars and thirty-five cents, being a sum sufficient to discharge the several instalments of principal and interest accruing due on said debt as the same respectively become payable as hereinbefore set forth.

6. This by-law shall not take effect until it shall have been confirmed by an Act of the Legislature of the Province of Ontario, and shall take effect when such Act shall be passed.

7. The Mayor of this corporation is authorized and required to take the necessary steps to procure this by-law to be confirmed.

8. The votes of the electors of the said municipality shall be taken on this by-law at the following times and places, that is to say, on Thursday, the 18th day of August next, 1898, at the hour of nine o'clock in the morning until five o'clock in the afternoon of the same day. The places for taking the votes of the electors and the names of the deputy returning officers shall be as follows :—

West ward, at the council chamber in the town hall, at which Mr. B. C. Hughes shall be the deputy returning officer.



Centre ward, at White & Boulton's carpenter shop on Centre street, at which Mr. W. G. Scott shall be the deputy returning officer.

East ward, at Mr. Bernard Quinn's house on the north side of King street, at which Mr. W. H. Stephenson shall be the deputy returning officer.

9. On Monday, the fifteenth day of August next, the Mayor shall attend at the council chamber, at the hour of ten o'clock in the forenoon, to appoint persons to attend at the various polling places and at the final summing up of the votes by the Clerk, respectively on behalf of the persons interested in and promoting, or opposing, the passing of this by-law.

10. That the Clerk of the municipality shall attend at the said council chamber, at ten o'clock in the forenoon of Friday, the nineteenth day of August next, A.D. 1898, and sum up the number of votes given for and against the said by-law, and if the said by-law is carried by the requisite number of votes of the said electors, the same shall be finally considered and passed on the fifth day of September, A.D. 1898, at the hour of half-past seven o'clock in the afternoon, at the council chamber in the said Town of Prescott.

Enacted and passed on this fifth day of September, A.D. 1898.

{ L.S. }

[Sgd.]      JOS. STREELE,  
                                 Mayor.  
[Sgd.]      J. B. WHITE,  
                                 Clerk.

## CHAPTER 75.

An Act respecting the debenture debt of the Town of Sarnia.

*Assented to 1st April, 1899.*

Preamble.

WHEREAS the Municipal Corporation of the Town of Sarnia has by petition represented that the said corporation has an outstanding debenture debt incurred for the construction of waterworks, bonuses to railways and manufactories, and for the construction of lasting improvements in the Town of Sarnia of more than \$253,000, a portion whereof fell due during the year 1898 and other portions will fall due during the years 1899 and the nine following years, and that the aggregate rate of two cents on the dollar on the whole of the rateable property in said town is not sufficient to meet the current annual expenses of said town and such portion of the said debenture debt and interest thereon as became due during 1898, and will become due in such other years named, and that the amount of such debt and interest which said aggregate rate will not be sufficient to meet as aforesaid will be as nearly as may be about \$10,000 for the year 1899, and about \$5000 for each of the years 1900 to 1908, both inclusive; and whereas the said corporation has prayed that an Act may be passed to empower the said corporation in each of the said years to borrow, on new debentures, such amounts as may be requisite to meet portions of such outstanding debenture debt maturing and to become due as aforesaid in such years; and whereas it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. Subject to the next section of this Act the Corporation of the Town of Sarnia may from time to time pass by-laws authorizing the issue of new debentures of the said town not to exceed the sum of \$10,000, and for an amount not exceeding in any one of the years 1900 to 1908 both years inclusive the sum of \$5,000 for the purpose of retiring a portion of the debentures and interest now outstanding against the said town which fell due in 1898, or which shall fall due within the year in which said new debentures may be issued as aforesaid, and such new debentures to be issued as aforesaid under said by-laws, may be in such sums and to such amounts, either in Canadian or sterling currency, as the said corporation may deem best; provided, always, that such by-laws shall be in conformity to and shall comply with the provisions of *The Municipal Act* and of the general municipal law from time to time in force in this Province, except that it shall not be necessary to obtain the assent of the electors of the said town to the passing of any such by-law as aforesaid, nor of the Lieutenant-Governor in Council, either under *The Municipal Act* or any other general Act now or hereafter to be in force in this Province; and, provided further, that subject as aforesaid the said new debentures so to be issued as aforesaid under the said by-laws and all moneys arising therefrom shall, to the full extent thereof, be applied only to retire and redeem the said debentures and interest so matured or maturing as aforesaid in the said years.

Authority to  
pass by-law.

Rev. Stat.  
c. 223.

2. Notwithstanding anything in this Act contained all the now outstanding debentures, which are public school debentures, or which have been issued for public school purposes or which are debentures for or toward the payment of which the supporters of separate schools or their property in the said town are not now liable or compellable to be rated or assessed or which are outstanding debentures for local improvements, shall be provided for retired and paid in all respects as if this Act had not been passed.

Provision for  
retiring de-  
bentures.

## CHAPTER 76.

An Act to legalize and confirm By-laws 488 and 489 of the Town of Sarnia.

*Assented to 1st April, 1899.*

## Preamble.

WHEREAS the Municipal Corporation of the Town of Sarnia has by petition represented that The Bushnell Company Limited is the owner of certain land in the Town of Sarnia and that the said land was up to the time of its purchase by the said company in the year 1897 and 1898 almost wholly unoccupied and unproductive, and that the total assessment of the said land up to the time of the purchase thereof by The Bushnell Company Limited was under \$30,000, and that the said company has commenced the construction on the said land of an oil refinery and works for the purpose of manufacturing illuminating oil from petroleum and manufacturing the by-products of petroleum, and without any bonus or other assistance or inducement whatever given to the said company by the said Town of Sarnia excepting the undertaking that the said company would be partially exempted from taxation; and that the said company has agreed to employ at least 30 men daily for at least eight months in each year during the period covered by the by-law hereinafter set out; and that no corporation, firm or individual other than the said company carries on the said business at the Town of Sarnia; and that in fixing the assessment of the said company at \$30,000 and collecting the full rate thereon the Town of Sarnia is likely to collect a greater tax from said company than would be payable if the said company were exempted from general municipal taxes and school rates alone were collected; and that the said company has now been operating for 20 months and has

employed



employed on an average over 200 men per day in the said town ; and whereas the said petition sets forth that the municipal council of the Town of Sarnia pursuant to the said undertaking did on the 14th day of November, 1898, by unanimous vote thereof, finally pass a by-law number 488 of the Town of Sarnia, which said by-law is fully set forth in Schedule " A " to this Act ; and whereas the said Bushnell Company, Limited, has, since the passing of the said by-law number 488, assigned all its right, title and interest in said property to the Imperial Oil Company, Limited, and it is the intention of the said by-law and of the Corporation of the Town of Sarnia, that the said The Imperial Oil Company, Limited, shall be entitled to all the rights and benefits that the Bushnell Company, Limited, would be entitled to under the said by-law ; and whereas the Corporation of the Town of Sarnia by its petition has further represented that The Sarnia Salt Company, Limited, some years ago put down a salt well on the property of the Grand Trunk Railway Company at Sarnia and the works in connection therewith have been idle for a number of years and have heretofore been of little or no advantage to the Town of Sarnia and that the said Sarnia Salt Company, Limited, has been re-organized and has proceeded to re-construct, extend and enlarge the said works with a view to carrying on the business of manufacturing salt and the by-products thereof at the said works upon the undertaking of the said Town of Sarnia to give the said Sarnia Salt Company, Limited, partial exemption from taxation, and that the said company has proceeded to reconstruct, repair and enlarge the said works and that there are no other salt works carrying on business in the Town of Sarnia ; and whereas the said petition sets forth that the municipal council of the Town of Sarnia did on the 14th day of November, 1898, by unanimous vote thereof, pass by-law number 489 of the Town of Sarnia which said by-law is fully set out in Schedule " B " to this Act ; and whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The said by-law number 488 of the Municipal Corporation of the Town of Sarnia fully set forth in Schedule " A " hereto, is declared legal, valid and binding upon the said Municipal Corporation of the Town of Sarnia notwithstanding any want of jurisdiction in the said municipality to pass such by-law and notwithstanding any defect in substance or in form of the said by-law or in the manner of passing the same ; and the said Imperial Oil Company, Limited, their successors and assigns, shall be entitled to the same rights and benefits under said by-law and this Act as if the property affected by said by-law and this Act had been transferred from the Bushnell

By-law 488  
confirmed.

Company, Limited, to the said The Imperial Oil Company, Limited, after the going into force of this Act.

By-law 489  
confirmed.

2. The said by-law number 489 of the Municipal Corporation of the Town of Sarnia, fully set forth in Schedule "B" hereto, is declared legal, valid and binding upon the said Municipal Corporation of the Town of Sarnia notwithstanding any want of jurisdiction in the said municipality to pass such by-law and notwithstanding any defect in substance or in the form of the said by-law or in the manner of passing the same.

## SCHEDULE A.

(Section 1.)

No. 488.

A By-law to fix the assessment of the Bushnell Company Limited, at the sum of \$30,000 for Twenty years on certain conditions.

Whereas the Bushnell Company Limited is the owner of the land in the Town of Sarnia, bounded on the east by Park street, on the south by St. Andrews street, on the west by River street, and on the north by Confederation street, excepting out of said block of land Lot No. 28, Byrnes survey,

And of 231 feet 6 inches of Lots Nos. 29 and 30, Byrnes survey on the west side of River street,

And of Lot J7 on the west side of Christina street,

And whereas the greater part of said land has always until purchased by said Company in 1897 and 1898, been unoccupied and unproductive,

And whereas the total assesment of said land at the time the same was so purchased by said Company was less than \$30,000 and certain portions thereof had never been assessed at all as the title thereto was still in the Crown.

And whereas the said Company has without bonus or other assistance from the town of Sarnia, commenced the construction of an oil refinery and works for the purpose of manufacturing illuminating oil from petroleum and of manufacturing the by-products of petroleum, upon the understanding that the property of the said Company would be partially exempted from taxation,

And whereas the said Company has represented to the Town of Sarnia, that the said Company their successors and assigns will operate the said oil refinery and works for at least eight months in each year for the said period of twenty years, and will employ daily during the said eight months in each year at least thirty men,

And whereas the said Company has agreed to defray the expenses of Legislation validating and making operative this By-law.

Therefore the Municipal Council of the Town of Sarnia subject to this By-law being validated, affirmed and made operative by the Legislature of the Province of Ontario, enacts as follows :—

1st.—That the annual assessment of the aforesaid real property of the said Company their successors and assigns, including any pipe lines in connection

connection therewith and situate in the Town of Sarnia, and the personal property of the said Company, their successors and assigns, shall, for all purposes whatsoever, including school taxes, be fixed at the sum of \$30,000 for a period of twenty years from and inclusive of the 1st day of January 1899.

2nd.—That all property which the said Company, their successors or assigns, shall hereafter acquire in the said Town of Sarnia for the purposes of and to be used in connection with their business, shall for the portion of said period of twenty years which shall not then have elapsed, be assessed annually for the same amount as the assessment thereof in the year next before the same shall be so purchased, and which said assessment of property which may be so hereafter acquired, shall be in addition to the said fixed assessment of \$30,000.

3rd.—Should the said Company, their successors or assigns, fail in any year during said term to carry on the said works on the said lands for at least eight months thereof or to employ at least thirty persons therein for eight months in any year, the Town of Sarnia may in the next year after such default and as often as such default shall be made, assess the said real and personal property as if this by-law and any act validating the same had not been passed; but the said Company, their successors and assigns, shall upon payment of the taxes levied upon the assessment made by reason of such default be thereafter entitled to the benefit of the assessment fixed by this by-law upon compliance with the conditions thereof.

4th.—Nothing herein contained shall operate to exempt the said lands from the payment of local improvement rates properly levied thereon.

5th.—By-laws numbers 452, 453 and 461, of 1897, for the Town of Sarnia, being by-laws to exempt the Bushnell Company Limited, from the payment of Municipal taxes, shall upon the passing of an act in the Legislature of the Province of Ontario validating and affirming this by-law be hereby repealed.

6th clause.—That all labour employed shall become residents of the town.

Passed this 14th day of November, 1893.



Signed,     D. BARR,  
                 Reeve.

J. D. STEWART,  
                 Town Clerk.

---

## SCHEDULE B.

(Section 2).

No. 489.

A By-law to fix the assessment of the Sarnia Salt Company, Limited, at \$3,000 for twenty years on certain conditions.

Whereas the Sarnia Salt Company, Limited, has represented that if the Town of Sarnia will fix the assessment of the assessable property of said Company at the sum of \$3,000 for the period of twenty years from the first day of January, 1899, the said Company will enlarge and improve the  
salt

salt works of the said Company on the lands of the Grand Trunk Railway Company of Canada, in the town of Sarnia, and will operate the said works for at least eight months in each year during said period and will employ at least twenty persons at said works or in connection therewith.

And whereas it is expedient in the interests of the Town of Sarnia that the amount of the annual assessment of the said Company, their successors and assigns be fixed at the said sum of \$3,000 and that the said works be enlarged and operated as aforesaid.

And whereas the said Company has agreed to defray the expenses of Legislation validating and making operative this by-law.

Therefore the Municipal Council of the Town of Sarnia, subject to this by-law being validated, affirmed and made operative by the Legislature of the Province of Ontario, enacts as follows :—

1st.—That the amount of the annual assessment of all the assessable property of the said Company, their successors and assigns employed in or in connection with or the product of the works and manufactures so carried on and operated shall for all purposes, including school taxes, be fixed at the sum of \$3,000 for the period of twenty years from and including the first day of January, 1899.

2nd.—That all property which the said Company, their successors or assigns shall hereafter acquire in the said Town of Sarnia for the purposes of and to be used in connection with their business of manufacturing sale and by-products thereof shall for the portion of said term of twenty years, which shall not then have elapsed, be assessed annually thereafter for the same amount as the assessment thereof in the year next before the same shall be so acquired and which said assessment of property, that may be so hereafter acquired, shall be in addition to the said fixed assessment of three thousand dollars.

3rd.—Should the said Company, their successors or assigns, fail in any year during said term to carry on their said works for at least eight months thereof, or to give an aggregate employment therein equal to twenty persons per day for eight months in each year the Town of Sarnia may in the next year after such default, and as often as such default shall be made, assess the assessable property of the said Company, their successors and assigns, as if this by-law and any act validating the same had not been passed, but the said Company, their successors and assigns shall upon payment of the taxes levied upon the assessment made by reason of such default be thereafter entitled to the benefit of the assessment fixed by this by-law upon compliance thereafter with the conditions thereof.

4th.—Nothing herein contained shall operate to exempt any land owned by the said Company from local improvement rates properly levied thereon.

5th Clause.—That all labour employed shall become residents of the Town.

Passed this 14th day of November, A.D. 1898.



D. BARR,  
Reeve.

J. D. STEWART,  
Clerk.



## CHAPTER 77.

An Act respecting the Town of Sault Ste. Marie, the Lake Superior Power Company, the Sault Ste. Marie Pulp and Paper Company, the Tagona Water and Light Company, and others.

*Assented to 1st April. 1899.*

WHEREAS the Municipal Corporation of the Town of Sault Ste. Marie, the Lake Superior Power Company, the Sault Ste. Marie Pulp and Paper Company, The Tagona Water and Light Company, Francis Hector Clergue and Edward V. Douglas have by their petition prayed for an Act confirming by-law No. 395 of the town of Sault Ste. Marie, dated the 24th day of February, 1899, and an agreement made in pursuance thereof between the said petitioners and bearing date the 24th day of February, 1899; and whereas it is expedient to grant the prayer of the said petition. Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The agreement between the corporation of the town of Sault Ste. Marie, the Lake Superior Power Company, the Sault Ste. Marie Pulp and Paper Company, The Tagona Water and Light Company, Francis Hector Clergue and Edward V. Douglas, dated the 24th day of February, 1899, which agreement is set out in schedule A to this Act, is hereby confirmed and declared to be valid and effective in all respects and to be binding upon the parties thereto. Agreement confirmed.

By-law No.  
395 of Sault  
Ste. Marie.  
confirmed.

2. By-law No. 395 of the said Town of Sault Ste. Marie, dated the 24th day of February, 1899, under which the said agreement was executed on behalf of the said town and which by-law is set out in schedule B to this Act, is hereby confirmed and declared to be valid and legal and to be binding upon the corporation of the said town.

Certain  
streets closed.

3. The following portions of John and Portage Streets in the said Town of Sault Ste. Marie, namely, John Street from Superior Street to Portage Street, and Portage Street from the production southerly of the west limit of Andrew Street to the production southerly of the east limit of Hudson Street, excepting where it crosses Huron Street, are hereby declared to be closed as highways, and the said Municipal Corporation of the Town of Sault Ste. Marie is hereby empowered to grant the same to the Lake Superior Power Company without previously taking the proceedings required by *The Municipal Act* for closing the said portions of the said streets.

Certain agree-  
ments con-  
tinued in  
force.

4. The agreements set out in the schedules to the Act passed by the Legislature of Ontario in the 58th year of Her Majesty's reign, and chaptered 119, are to continue in full force and effect except so far as they are modified or altered by the agreement above mentioned.

Certain lia-  
bilities not  
relieved.

5. Nothing in this Act contained shall have the effect of relieving the said companies and the said Francis Hector Clergue and Edward V. Douglas, or any of them, or any of their lands or other properties, from any liability in respect of the consolidated debentures of the said Town of Sault Ste. Marie and also the debentures issued by the Corporation of the Town of Sault Ste. Marie in favour of the Government of the Province of Ontario under and by virtue of the Act of the Legislature of Ontario passed in the 56th year of Her Majesty's Reign and chaptered 6, and which they now are under by virtue of the provisions of the Act passed in the 58th year of Her Majesty's reign chaptered 119 or otherwise.

#### SCHEDULE A.

This agreement made in duplicate this twenty-fourth day of February, in the year of our Lord one thousand eight hundred and ninety-nine, between the Corporation of the Town of Sault Ste. Marie, hereinafter called "the corporation," of the first part, the Lake Superior Power Company, hereinafter called "the Power Company," of the second part, the Sault. Ste. Marie Pulp and Paper Company, hereinafter called "the Pulp Company," of the third part, Tagona Water and Light Company, hereinafter called "the Water Company," of the fourth part, and Francis Hector Clergue, of the City of New York, in the State of New York, manufacturer, and Edward V. Douglas, of the City of Philadelphia, in the State of Pennsylvania, Esquire. the parties, of the fifth part.

Whereas

Whereas certain agreements have been entered into between certain of the parties hereto, which agreements are recited in full in the schedule to the Act passed by the Legislature of Ontario in the 58th year of Her Majesty's reign and chaptered 119 :

And whereas certain disputes have arisen between the parties hereto concerning some of the matters dealt with and intended to be covered by the said agreements or some of them ;

And whereas the power company did in the year 1895 purchase certain tracts of land within the said corporation lying between Portage, Superior, Hudson and Andrew streets, and containing eighteen acres more or less, and claims that the said land from the date of purchase thereof has not been liable to taxation by the corporation for any purposes whatsoever, and the corporation claims that such land is not in any way exempted from such taxation ;

And whereas the corporation have recently assessed all the said companies together for the purpose of levying school taxes upon their property lying south of Superior and Queen streets in said corporation, and the said companies deny the right of the corporation to levy such school taxes upon their said property, claiming that the same is exempt from such taxation by virtue of the agreements firstly above mentioned ;

And whereas the corporation claims the sum of one thousand eight hundred and seventy dollars (\$1,870) from the power company as interest from the 24th day of November, 1894, to the 1st day of September, 1898, on six thousand four hundred and thirty-seven dollars and fifty cents (\$6,437.50) of the purchase price of two hundred and sixty thousand dollars (\$260,000) which the said parties of the fifth part agreed to pay to the corporation for the stock held by the corporation in the power company, and the corporation also claims the sum of one hundred and seventeen dollars (\$117) from the power company and the water company as damages payable by them in connection with an alleged breach by the water company of their contract with the corporation in not leaving the streets in said corporation as they were required to do after completing their contract for laying water mains along said streets ;

And whereas the water company and the power company claim from the corporation the sum of three thousand six hundred and thirteen dollars and nineteen cents (\$3,613.19) and interest thereon, as well as a further sum for interest as the balance owing by the corporation for water and light, and interest in connection therewith up to the 1st day of September, 1898 ;

And whereas it is the object and intention of this agreement to settle and determine the disputes and differences above mentioned, and for that purpose the parties hereto have agreed to execute these presents ;

And whereas the said companies and the parties of the fifth part have required that as a condition of their entering into this agreement the corporation should as soon as possible, and within the time and in the manner prescribed by law therefor, cause to be closed the following portions of John and Portage streets in said town, namely : John street from Portage street to Superior street, and Portage street from the production southerly of the east limit of Hudson street to the production southerly of the west limit of Andrew street, except where it crosses Huron street, and that said portions of John and Portage streets should be granted to the power company, and the corporation has agreed thereto ;

Now this agreement witnesseth that in consideration of the premises the parties hereto have respectively agreed with each other as follows :—

1. The corporation and the three companies above mentioned covenant and agree with each other that the total taxes which shall for the year 1899 and each of the next following nine years be levied against the said three companies, and also against any other persons, companies, firms or corporations which may become lessees of the said companies, or any of them, or erect mills or works of any description on the property of any of the said companies for manufacturing, milling, or other purposes, upon or with

with respect to their property whether real or personal, or their capital stock, or for income, or for other purposes whatsoever, shall together be five thousand dollars (\$5,000) per annum and no more, and that the said sum of five thousand dollars per annum shall include all school taxes and local improvement rates payable by them or any of them in each of the said years, as well as all other taxes, rates and assessments of every description which might otherwise be levied upon or payable by them or any of them; the income of employees of the said companies, firms, persons or corporations shall be liable to taxation as if this agreement had not been executed.

2. The mains, pipes, poles, wires, connections and electrical and other apparatus, and all other the plant and works of the Tagona Water and Light Company wherever the same may be situate in the said town shall also be deemed to be included in the property upon or with respect to which the said annual tax of \$5,000 for the year 1899 and next following nine years is payable.

3. It is hereby declared by and understood and agreed between the parties hereto that the premises upon the property of the power company known as the "Block House," and also the property formerly known as the "White House," and being composed of the south 165 feet of lot 18 North Portage street, are and shall be during the year 1899 and each of the next following nine years deemed to be included in the property upon which the said annual taxes of five thousand dollars are paid or to be paid by the said companies so long as they are used as dwellings or as a residence by some of the officers or employees of said companies, or otherwise in connection with their operations, and the fact that they are so used shall not render them liable to separate taxation during said term.

4. It is also expressly understood and agreed by and between the parties hereto that in case the said companies or either of them should hereafter during the year 1899, or in the next following nine years, acquire any property within the said corporation in addition to what they or any of them already own or hold, such property so acquired shall immediately from and after the date of purchase thereof be deemed to be included in the property of the said companies upon which the said annual taxes of five thousand dollars are to be paid as aforesaid by the said companies; provided, however, that such property lies to the south of Superior and Queen streets in said town, and in case it lies to the north of Superior or Queen streets it shall not be deemed to be included in the land on which said annual tax of five thousand dollars is payable until it is actually used for or in connection with milling, manufacturing, industrial, transportation or other purposes, but shall until so used be liable to taxation as if this agreement had not been executed, but upon its being and continuing to be so used it shall be deemed to be included in the lands and property upon which said annual tax of \$5,000 is payable; but property hereafter acquired lying south of Queen street and east of Andrew street produced south shall not be so included until it is used for or in connection with the above purposes or some of them.

5. It is agreed that except as to the "Block House" above mentioned and the south 165 feet of lot 18 North Portage street, buildings which are used as dwellings or for the sale of merchandise to the public upon the property of the said companies, even should they lie south of Superior street shall be liable to separate taxation while so used.

6. It is hereby declared and agreed by and between the parties hereto that subject to the provisions of paragraph "5" hereof, the said sum of \$5,000 to be paid annually for taxes as aforesaid shall be paid to and accepted by the corporation in full of all taxes, including school taxes which might be levied upon or payable with respect to any and all of the property whether real or personal of any and all of the companies, persons, firms and corporations mentioned in paragraph "1" hereof which may lie or be located or situated to the south of Superior and Queen streets in said town whether the same or any part thereof be vacant land or land covered with water or not, and whether it be actually used for or in connection with milling, manufacturing or other similar purposes or not.



7. All mills, manufactories and other improvements erected upon lands hereafter acquired as mentioned in paragraph "4" hereof shall be deemed to be included in the property upon which the said annual tax of \$5,000 is to be payable.

8. The corporation agrees that it will as soon as possible cause to be duly closed the portions of John and Portage streets above mentioned, and will forthwith convey the same in fee simple to the power company free from all incumbrances, without charge in any way to the said companies or parties of the fifth part therefor and without requiring any compensation for so doing.

9. The said three companies above mentioned covenant and agree to pay to the corporation as soon as it has duly closed the portions of streets above mentioned, and granted in fee simple the acres of land included therein to the power company, the sum of five thousand dollars in full payment and satisfaction of all taxes including school taxes claimed or which might be claimed by the corporation as owing from the said three companies and from the Algoma Iron Works (which is owned by the Pulp Company) up to the 31st day of December, 1898, and also of all taxes, including school taxes which are or might be claimed as owing to the corporation upon or with respect to any of the lands or properties of the said companies or either of them, including the said land lying between Portage, Superior, Hudson and Andrew streets up to the 31st day of December, 1898, and the corporation hereby agrees to accept the said sum of five thousand dollars in full payment and satisfaction of all such taxes claimed or which might be claimed by it as owing up to the 31st day of December, 1898, including school taxes.

10. The corporation agrees that it will join said Companies but without expense in securing such legislation as may be required or desired by said Companies in order to confirm and ratify this agreement, and until such legislation is secured the said annual taxes of \$5,000 for 1899 and following years shall not be payable unless security satisfactory to said Companies shall be furnished them by the corporation that their annual tax shall not exceed \$5,000 during the term of ten years above mentioned.

11. The corporation covenants and agrees to indemnify and save harmless the said companies and all other persons, firms, companies and corporations mentioned in paragraph "1" hereof, from their being in any of said years liable to pay together for school taxes and other taxes of whatsoever nature or kind any sum excepting the annual sum of five thousand dollars above named upon their property whether real or personal, or their capital stock or for income or otherwise howsoever.

12. It is agreed that wherever the word "taxes" is mentioned in this agreement it shall include school taxes as well as all other taxes, rates and assessments.

13. Excepting as to the taxes to be paid to the corporation as aforesaid the corporation releases and discharges the said three companies and the parties of the fifth part and each of them of and from all claims demands, accounts and every other liability of whatsoever nature or kind which it may have against them or any of them, whether accrued or accruing, up to the first day of September, A.D. 1898, by reason of any matter or thing whatsoever whether the same be herein specially referred to or not and the said three companies and the parties of the fifth part release and discharge the corporation of and from all claims, demands, accounts and every other liability of whatsoever nature or kind which they or any of them may have or be entitled to against the corporation whether accrued or accruing up to the first day of September, 1898, for or by reason of any cause or matter whatsoever whether the same be herein specially referred to or not, it being the intention of this agreement that except as to taxes as above mentioned, this agreement shall effectually and forever settle and dispose of all accounts, matters and differences between the corporation on one hand and the said companies and the parties of the fifth part on the other hand, whether accrued or accruing up to the  
first

first day of September, 1898, the accounts which they may have against each other respectively subsequent to the first day of September, 1898, not being dealt with in this agreement except as to taxes as above mentioned.

In witness whereof the parties hereto have duly executed these presents.

Signed, sealed and delivered in the presence of.	(Sgd.) W. H. PLUMMER, Mayor,	[Town Seal.]
	(Sgd.) J. BASSINGTHWAITE, Clerk.	
(Sgd.) N. SIMPSON,	(Sgd.) THE LAKE SUPERIOR POWER COMPANY,	
As to execution by the Corporation and of	(Sgd.) F. H. CLERQUE.	Vice-President.
		[Company's Seal.]
C P. WORTHINGTON,	(Sgd.) THE SAULT STE. MARIE PULP AND PAPER COMPANY.	
As to execution by said Companies and the parties of the fifth part.	(Sgd.) F. H. CLERQUE,	President.
		[Company's Seal.]
	(Sgd.) TAGONA WATER AND LIGHT COMPANY,	
	(Sgd.) F. H. CLERQUE, President,	[Companies Seal]
	(Sgd.) FRANCIS H. CLERQUE,	[L.S.]
	(Sgd.) E. V. DOUGLAS,	[L.S.]

BY-LAW SCHEDULE. No. 395.

To authorize the mayor and clerk of the Town of Sault Ste. Marie to execute a certain agreement between the corporation of the Town of Sault Ste. Marie of the one part and the Lake Superior Power Company and others of the other parts.

Whereas it has been proposed to settle all differences between the town and the Lake Superior Power Company and its associates by certain concessions on the part of all parties concerned especially as to taxation for school and other purposes,

And whereas the council deem it expedient to authorize the execution of said agreement,

Therefore the council of the Town of Sault Ste, Marie enacts as follows :

That the mayor and clerk of said Town of Sault Ste. Marie be authorized and they are hereby authorized to execute a certain agreement dated the twenty-fourth day of February, 1899, and made between the corporation of the Town of Sault Ste. Marie of the first part, the Lake Superior Power Company of the second part, the Sault Ste. Marie Pulp and Paper Company of the third part, Tagona Water and Light Company of the fourth part and Francis Hector Clergue and Edward V. Douglas of the fifth part under the Seal of the said corporation of the Town of Sault Ste. Marie aforesaid.

Read a first, second and third time and finally passed in open council this twenty-fourth day of February, 1899.

{Town }	(Signed)	W. H. PLUMMER,
{Seal. }		Mayor.
	(Signed)	J. BASSINGTHWAITE,
		Clerk.

## CHAPTER 78.

## An Act respecting the Town of Seaforth

*Assented to 1st April, 1899.*

**W**HEREAS the Municipal Corporation of the Town of Sea- Preamble.  
 forth has by its petition prayed for leave to aid T. R. F.  
 Case and Company in the establishment of a pork-packing house  
 in the Town of Seaforth, and also to aid Robert Bell, Jr., in the  
 establishment and extension of his business of foundryman and  
 machinist in the Town of Seaforth by way of loans, and  
 also to aid W. D. Van Egmond, woollen manufacturer, in the  
 extension of his business in the Town of Seaforth; and  
 whereas the said corporation is not now under any liability in  
 respect of aid to any industrial enterprise, and there are no  
 other industries of a similar nature in the said town which  
 will be interfered with by the granting of the said aid; and  
 whereas no opposition has been offered to the said petition;  
 and whereas it is expedient to grant the prayer of the said  
 petition.

Therefore, Her Majesty by and with the advice and consent  
 of the Legislative Assembly of the Province of Ontario, enacts  
 as follows:—

1. It shall be lawful for the said Corporation of the Town of Power to raise  
\$20,000 on  
debentures to  
aid T. R. F  
Case & Co  
 Seaforth to pass a by-law for the purpose of raising by way of  
 loan on the credit of the debentures of the said corporation a  
 sum not exceeding in the whole \$20,000, at a rate of interest  
 not exceeding five per cent. per annum, from any person or  
 persons, body or bodies corporate, who may be willing to  
 advance the same for the purpose of aiding T. R. F. Case and

Company

Company in the establishment of a pork-packing house in the Town of Seaforth, which said aid may be granted and applied by way of loan upon such terms and conditions as may seem advisable to the municipal council of the said corporation.

Power to raise  
\$17,000 on  
debentures for  
aid to Robert  
Bell, Jr.

2. It shall also be lawful for the said corporation of the Town of Seaforth to pass a by-law for the purpose of raising by way of loan on the credit of the debentures of the said corporation a further sum not exceeding in the whole the sum of \$17,000, at a rate of interest not exceeding five per cent. per annum, from any person or persons, body or bodies corporate, who may be willing to advance the same for the purpose of aiding Robert Bell, Jr., in the establishment and extension of his business as a foundryman and machinist in the Town of Seaforth, which said aid may be granted and applied by way of loan upon such terms and conditions as may seem advisable to the municipal council of the said corporation.

Power to raise  
\$10,000 on  
debentures to  
aid W. D.  
Van Egmond.

3. It shall also be lawful for the said the corporation of the Town of Seaforth, to pass a by-law for the purpose of raising by way of loan on the credit of the debentures of the said corporation a sum not exceeding in the whole \$10,000, at a rate of interest not exceeding five per cent. per annum, from any person or persons, body or bodies corporate, who may be willing to advance the same for the purpose of aiding W. D. Van Egmond, woollen manufacturer, in the extension of his business in the Town of Seaforth, which said aid may be granted and applied by way of loan, upon such terms and conditions as may seem advisable to the municipal council of the said corporation.

By-laws to be  
subject to  
provisions of  
Rev. Stat.  
cap. 223.

4. The said by-laws shall, before being finally passed, be submitted to the votes of the electors entitled to vote upon by-laws creating debts not payable within one year from the creation thereof, and shall be approved by not less than two-thirds of the whole number of such electors, and the provisions as to procedure and otherwise contained in *The Municipal Act* and the amendments thereto respecting by-laws creating debts, shall apply to such by-laws to be passed under the authority of this Act as if expressly incorporated therewith. Provided that the votes of the said electors shall be taken upon each of the said by-laws separately from the others.



## CHAPTER 79.

An Act to consolidate certain Debts of the Town  
of Simcoe.*Assented to 1st April, 1899.*

WHEREAS the Municipal Corporation of the Town of Preamble.  
Simcoe have by their petition represented that they have incurred debts and liabilities for the purpose of granting aid to woollen mills, for public school purposes, for railway aid, for fire protection and for market buildings, the particulars of which are shown in Schedule "C" to this Act for which amount debentures of the said town have from time to time been issued under the authority of various by-laws, and that the said corporation are also indebted to the extent of \$9,000, for floating liabilities, which sum of \$9,000 mainly consists of payments made on account of the debentures issued for aiding the said woollen mills, the sinking fund therefor not having been regularly provided; and that no funds except a sinking fund of \$5,000 have been provided by way of sinking fund or otherwise, for redeeming the said debentures or any portion thereof, save and except the annual interest, and no fund has been provided for payment of the said floating debt; and whereas the said corporation have represented that the payments to be made on account of the said debenture debts and the said floating debt would be unduly oppressive to the ratepayers; and whereas the said corporation have by their petition prayed that the said debenture debt of \$35,000, and the said floating debt of \$9,000, may be consolidated, and that the said corporation may be authorized to issue debentures for that purpose, less the sum of \$5,000, the amount of the said sinking fund, which

they

they have asked to be allowed to apply in reduction of the said consolidated debenture debt, before issuing debentures therefor in such manner as may be most advantageous; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Debts consoli-  
dated at  
\$44,000.

1. The said debts of the said Town of Simcoe are hereby consolidated at the sum of \$44,000, and it shall be lawful for the Corporation of the said Town of Simcoe to raise by way of loan on the credit of the debentures hereinafter mentioned, and by this Act authorized to be issued from any person or persons or body corporate, a sum sufficient or sufficient sums to retire the said debentures amounting to \$35,000 as they respectively become due and to pay off the other debts amounting to \$9,000, first however having reduced the said debenture debt by the sum of \$5,000, the amount of the said sinking fund belonging to the said corporation; the amount for which debentures are to be issued not exceeding in the whole the sum of \$39,000, exclusive of interest thereon.

Issue of de-  
bentures  
authorized.

2. It shall be lawful for the said corporation of the Town of Simcoe, from time to time, to pass a by-law or by-laws providing for the issue of debentures under their corporate seal, signed by the mayor and countersigned by the treasurer for the time being, in such sums not less than \$100, and not exceeding \$39,000, in the whole, as the said corporation may from time to time direct, and the principal sum secured by the said debentures, and the interest accruing thereon may be made payable at such place or places as the said corporation may deem expedient and may be expressed in either sterling money of Great Britain or currency of Canada.

Power to raise  
money on de-  
bentures.

3. The corporation of the said town may, for the purposes in section 7 hereof mentioned raise money by way of loan on the said debentures in this Province or in Great Britain or elsewhere, or sell and dispose of the said debentures from time to time as they may deem expedient.

Term of de-  
bentures.

4. The said debentures shall be payable in not more than thirty years from the issue thereof, as the said corporation may direct. Coupons shall be attached to the said debentures for the payment of the interest thereon, and such interest shall be payable yearly on the first day of the month of December in each and every year at the places mentioned therein and in the coupons attached thereto, and such debentures may bear interest at any rate not exceeding four and one-half per cent. per annum.

Payment of  
debentures  
and interest.

5. The said debentures to be issued under this Act shall be made

made payable in each year for a period not exceeding thirty years from the date thereof, and so that the aggregate amount payable for principal and interest in any one year shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of the period within which the debt is to be discharged.

6. The said corporation shall levy, in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act, to be called the "Simcoe Consolidated Debenture Rate," and it shall not be necessary to levy for, or to provide any sinking fund to retire the said debentures or any of them. Special rate.

7. The debentures to be issued under this Act and all moneys arising therefrom and the said sinking fund of \$5,000, shall be applied by the said corporation in the redemption of the said debentures of the Town of Simcoe now outstanding amounting to \$35,000 and in payment of the said debt of \$9,000, all of which are set out in Schedule "C" hereto, and in no other manner and for no other purpose whatsoever, and such debentures may be known as the "Simcoe Consolidated Debt Debentures." Application of debentures.

8. The treasurer of the said town, shall, on receiving instructions from the council so to do, from time to time, but only with the consent of the holders thereof, call in any of the outstanding debentures, and shall discharge the same first with said sinking fund as far as possible and then with funds raised under the preceding sections of this Act, or may, with the like consent, substitute therefor the said debentures, or any of them, hereinbefore authorized to be issued, upon such terms as may be agreed upon between the said council and the said holders of the said outstanding debentures. Power to call in outstanding debentures.

9. It shall not be necessary to obtain the assent of the electors of the said Town of Simcoe for the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Municipal Act*. Assent of electors to by-laws not required. Rev. Stat. c. 223.

10. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law and the interest thereon, shall be paid and satisfied. By-law not to be repealed until debt paid.

11. It shall be the duty of the treasurer, from time to time, of the said town to keep, and it shall be the duty of each of the members, from time to time, of the said municipal council, to procure such treasurer to keep, and see that he does keep a proper book of account setting forth a full and particular statement Treasurer to keep book showing state of debenture account.

statement, so that the same shall at all times show the number of debentures which, from time to time, shall be issued under the powers conferred by this Act, and the respective amounts payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall, from time to time, be realized from the sales or negotiation of the said debentures, and the application which shall, from time to time, be made of the said amounts; and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said town, and of any of the holders, from time to time, of the debentures which shall be issued under the powers hereby conferred, or of any such debentures.

Liability of corporation not affected.

12. Nothing in this Act contained shall be held or taken to discharge the Corporation of the Town of Simcoe from any indebtedness or liability which may not be included in the said debts of the said town.

Form of debentures and by-laws.

13. The debentures to be issued under this Act may be in the form contained in Schedule "A" to this Act, and the by-law or by-laws authorizing the same may be in the form contained in Schedule "B" to this Act.

Inconsistent enactments not to apply.

14. Any provisions in the Acts respecting municipal institutions in the Province of Ontario, which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act, and no irregularity in the form of the said debentures or any of them authorized to be issued by this Act, or in any by-law or by-laws authorizing the issuing thereof, shall render the same invalid or illegal or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest or any or either of them or any part thereof, and the purchaser or holder thereof, shall not be bound to enquire as to the necessity of passing such by-law or by-laws or issue of debentures, or as to the application of the proceeds thereof.

Irregularity in form not to invalidate debentures.

Short title.

15 This Act may be cited as *The Simcoe Debenture Act, 1899.*



## SCHEDULE A.

(Section 13.)

No.

## CONSOLIDATED DEBT DEBENTURE.

Province of Ontario, Town of Simcoe.

Under and by virtue of *The Simcoe Debenture Act, 1899*, and By-law No. of the Corporation of the Town of Simcoe passed under the provisions contained in the said Act, the Corporation of the Town of Simcoe promise to pay to bearer at in the sum of on the day of A.D. and the yearly coupons hereto attached as the same shall severally become due.

Dated at Simcoe in the County of Norfolk, this day of A.D.

A. B., Mayor.

C. D., Treasurer.

## SCHEDULE B.

(Section 13.)

By-law No. to authorize the issue of debentures under the authority of *The Simcoe Debenture Act, 1899*.

Whereas the said Act authorizes the issue of debentures for the purposes therein mentioned, not exceeding the sum of \$ in the whole, as the Corporation of the Town of Simcoe may in pursuance of and in conformity with the provisions of the said Act direct. And whereas, for the purposes mentioned in the said Act, it is necessary and expedient to issue debentures to the extent of \$ payable on the day of and on the day of (or as the case may be) with interest thereon at the rate of per centum per annum, payable yearly according to the coupons, to the said debentures attached. And whereas the amount of the whole rateable property of the said Town of Simcoe according to the last revised assessment roll of the said town, being for the year one thousand eight hundred and was \$

Therefore the Corporation of the Town of Simcoe enacts as follows :—

1. Debentures under the said Act, and for the purposes mentioned therein to be known as Consolidated Debt Debentures, to the extent of the sum of \$ are hereby authorized and directed to be issued.

2. The said debentures shall have coupons thereto attached for the payment of interest at the rate of per centum per annum, payable yearly on the day of in each year.

This by-law passed in open council this day of in the year of our Lord one thousand hundred and .

## SCHEDULE C.

(Section 7.)

Woollen Mills Debentures .....	\$6,000 00
School Debentures (first series).....	5,500 00
Port Dover & Lake Huron Railway Debentures .....	10,000 00
Fire Protection Debentures.....	7,000 00
Public School Debentures (second series).....	3,500 00
Market Building Debentures.....	3,000 00
Floating Debt.....	9,000 00

---

\$44,000 00

## CHAPTER 80.

## An Act respecting the Town of Smith's Falls.

*Assented to 1st April, 1899.*

## Preamble

WHEREAS the Municipal Corporation of the Town of Smith's Falls have by petition represented that the said corporation has incurred debts and liabilities for various purposes for which debentures have from time to time been issued and are now outstanding to the extent of \$57,025 exclusive of interest; and whereas the said corporation has further represented that none of said debenture debts are in arrears, but that in addition thereto there is a floating debt of \$4,000, and that in addition to said floating debt it has been found absolutely necessary for the said council this year to expend the sum of \$1,100 for the purchase of hose for the fire engine, and that there has been recovered a judgment against said town for \$1,250 and costs, in all \$1,700, for damages caused by a defective sidewalk, for the payment of which two last mentioned sums no provision has been made; and whereas the said corporation has further represented that it is expedient that the said corporation shall be enabled to consolidate its said indebtedness, and to effect a loan to pay off the same, at lower rates of interest than apply to the existing debts or any of them, and spread over a period sufficiently long to enable the said corporation to pay the same while at the same time meeting its other obligations, without an undue rate of taxation; and whereas it further appears by the said petition that the high school of the said town no longer satisfies the requirements of the Education Department, and owing to the rapid growth of the said town further school accommodation is imperatively necessary; and whereas the corporation of the said town have

further

further represented by their said petition that they have been compelled to open many new streets in different directions, and to build many miles of sidewalk, but have not been able to maintain proper roadways thereon and it is expedient that they, in order to maintain the said streets in proper condition and repair, should construct permanent streets and roadways, purchase the necessary appliances therefor, and also construct granolithic or other permanent sidewalks, and pay the town's share of the cost of local improvements; and whereas the said corporation has further represented that it is imperative that it should within the next two years in the interest and for the protection of said town and for the health and comfort of its people expend a considerable sum of money in the purchase of additional fire apparatus and appliances, in improvements to the fire hall, the construction and extension of sewers and laying of water pipes, the purchase and improvement of land for park, recreation and hospital purposes and other like permanent improvements; and whereas the said corporation has further represented that to meet the financial obligations caused by the said debenture debt and building of schools and at the same time construct the said permanent roadways and sidewalks, and perform the other necessary obligations as set out above, within the usual period, would cause the same to be unduly oppressive to the rate-payers of the said town; and whereas it is expedient that the corporation should be enabled to borrow money therefor and issue debentures at dates extending over thirty years therefor; and whereas the said corporation has further represented that it desires to encourage the construction of granolithic, stone and other permanent sidewalks in the streets of the said town, also sewers and other works, as local improvements, by providing from the general funds of the municipality, or contracting a loan therefor, a part of the cost of the construction of such sidewalks falling on the property benefited; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said debts of the said Town of Smith's Falls, consisting of the aforesaid debenture debt of \$57,025, the floating debt of \$4,000 and the sum of \$2,800 expended in new fire hose and the payment of the said judgment, are hereby consolidated at the sum of \$63,825, and it shall be lawful for the Corporation of the said Town of Smith's Falls to raise by way of loan on the credit of the debentures hereinafter mentioned, and by this Act authorized to be issued, from any person or persons or body corporate, a sufficient sum, or sufficient sums to purchase the said outstanding debentures or any of them or to retire same as they respectively become due, and to pay

Debts consolidated at \$63,825.

pay off the other said debts, not exceeding in the whole the said sum of \$63,825, exclusive of interest thereon; and the said corporation may, after, but not until, the redemption or purchase of the original debentures, repeal the by-laws under which they were issued, so far as regards the levying of rates imposed thereby, for the redemption of the said original debentures and the payment of interest thereon.

Issue of  
debentures  
authorized.

2. It shall be lawful for the said Corporation of the Town of Smith's Falls from time to time to pass a by-law or by-laws providing for the issue of debentures under its corporate seal, signed by the mayor and countersigned by the treasurer, for the time being of the said town, in such sums of not less than \$100 each and not exceeding in the whole the sum of \$63,825 as the said corporation may, from time to time direct, and the principal sum secured by the said debentures, and the interest accruing thereon, may be made payable at such place or places as the said corporation may deem expedient and may be expressed in sterling money of Great Britain or currency of Canada.

Power to raise  
money on  
debentures.

3. The said corporation may, if it shall deem it expedient so to do, from time to time borrow on the security of the said debentures, in the Dominion of Canada, Great Britain or elsewhere, such sums as it may require, for the purpose of purchasing, paying off or redeeming the debentures in section 1 of this Act mentioned, or any of them, and the said floating and other indebtedness and may hypothecate or pledge the said debentures to be issued, or any of them, as security for the moneys so borrowed when, and upon such rate of interest, as to the said corporation shall seem meet, and may sell or dispose of the said debentures or any of them, from time to time as they deem expedient.

Payment of  
debentures  
and interest.

4. The said debentures shall be payable in not more than thirty-five years from the issue thereof as the said corporation may direct. Coupons may be attached to the said debentures for the payment of the interest thereon at such rate not exceeding 4 per cent. per annum, as the said corporation may deem meet, and such interest may be made payable yearly, or half yearly, at the places mentioned therein and in the coupons attached thereto.

Payment of  
debt in equal  
annual  
instalments.

5. A portion of the said debentures to be issued under this Act shall be made payable in each year after the passing of the by-law or by-laws for a period not exceeding thirty-five years from the date thereof, and so that the aggregate amount payable for principal and interest in any one year under any by-law shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of the period within which the debt is to be discharged.



6. It shall be lawful for the said corporation to levy in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for the principal and interest in respect of the debentures authorized to be issued under the preceding sections of this Act to be called "The Consolidated Debt Debentures," and it shall not be necessary to levy for, or to provide, any sinking fund to retire the said debentures or any of them.

7. The said debentures and all moneys arising therefrom shall be applied by the said corporation in the purchase redemption or payment of the said outstanding debentures, the said floating indebtedness and other indebtedness mentioned or referred to in section 1 of this Act, and may also be applied in the payment of all charges and expenses of and incidental thereto including the preparation and passing of this Act and the preparation and passing of any by-laws submitted to electors for the raising of monies under this Act.

8. The said corporation may arrange with the holders or any of them, for the purchase of the said outstanding debentures, or any of them or may, but only with the consent of the holders thereof, call in any one or more of the said outstanding debentures, and shall discharge the same with the funds raised as aforesaid under the authority of this Act, or may, with the like consent, whether the time fixed for payment of them shall have arrived or not, substitute therefor the said debentures or any of them authorized as aforesaid to be issued under this Act at such price and upon such terms and conditions, as may be agreed between the said corporation and the said holders of the said outstanding debentures.

9. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied.

10. It shall be lawful for the said corporation, notwithstanding anything to the contrary contained in *The Public Schools Act* and *The High Schools Act*, on any and all applications of the Board of Education for the Town of Smith's Falls made in accordance with the provisions of the said Acts, or either of them, within two years from the passing of this Act, for money for school purposes, to issue debentures for any loan of money for such purposes for such term of years not exceeding thirty as the municipal council may think fit, in all such cases as under said Acts, or either of them, the said council now have authority to issue like debentures for a term of years not exceeding thirty, and during the said period of two years, the cost of all permanent improvements to any of the schools of the said town including therein sewage and water supply, may also be included in moneys for which the said thirty years debentures may be issued as aforesaid.

Permanent  
improvement  
debentures.

11. It shall be lawful for the said corporation, with the approval of the ratepayers in accordance with the provisions contained in *The Municipal Act*, in that behalf to raise at any time within two years from the passing of this Act, by way of loan on the credit of the debentures hereinafter mentioned in section 12, such sum or sums not exceeding in the aggregate the sum of \$50,000 exclusive of interest, as shall be required by the said corporation during the said two years for the purpose of paying for the cost of any or all of the following matters, namely: Permanent improvements to the streets and roadways of said town, including the widening of certain streets, a steam road roller, stone crusher and engine, road grader, the construction of granolithic, stone, brick, and other permanent sidewalks and crossings in the streets of the said town, the said town's share of the cost of local improvement works and services, additional fire apparatus and appliances, and permanent improvements to fire hall, the construction of sewers, the laying of water pipes, the purchase, improvement and management of land for park, recreation and hospital purposes, including necessary buildings thereon and repairs to the said buildings, and for such other permanent improvements to the said town as its council may deem necessary.

Debentures  
authorized.

12. It shall be lawful for the said Corporation of the said Town of Smith's Falls within two years from the passing of this Act to pass a by-law or by-laws with the approval of the ratepayers as aforesaid providing for the issue of the debentures referred to in the next preceding section, and for the purposes therein mentioned, payable in not more than thirty years from the issue thereof, as the said corporation may direct, and the said debentures shall conform to all the requirements of *The Municipal Act* except as otherwise in this Act provided.

Rev. Stat.  
c. 223.

Town autho-  
rized to pay  
one-third of  
cost of local  
improvement.

13. It shall be lawful for the council of the said corporation to provide by by-law, from the general funds of the municipality, or to raise by way of loan on the credit of the debentures of the municipality, a part not exceeding one-third of that part of the cost of the construction of any and all works as local improvements falling on the property benefited, in addition to the part of such cost to be provided by the municipality, and to add said one-third or less part to the said part of the cost of the construction of said works to be provided by the municipality, and to issue from time to time debentures for the amount thus obtained, and the remainder of that part of the cost of constructing the said works falling on the property benefited, after making the deduction as aforesaid, shall be assessed for and dealt with in the usual way, as provided for in *The Municipal Act* as to assessments for local improvements.

Rev. Stat.  
c. 223.

Assent of  
electors not  
required.

14. It shall not be necessary to obtain the assent of the electors or ratepayers of the said Town of Smith's Falls to the passing

passing of any by-law or by-laws which shall be passed under the provisions of any of the preceding sections of this Act Rev. Stat. other than sections 11 and 12, or to observe the formalities c. 223. in relation thereto prescribed by *The Municipal Act*.

**15.** Any provisions in the Acts respecting municipal institutions in the Province of Ontario, which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act; and no irregularity in the form of the said debentures, or any of them, authorized to be issued by this Act, or any by-law or by laws authorizing the issue thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said Corporation for the recovery of the amount of the said debentures and interest thereon, or any or either of them, or any part thereof, and the purchaser or holder thereof shall not be bound to inquire as to the necessity of passing such by-law or issue of debentures or as to the application of the proceeds thereof. Inconsistent enactments not to apply. Informalities not to invalidate debentures.

**16.** This Act may be cited as *The Smith's Falls Act, 1899*. Short title.

## CHAPTER 81.

## An Act respecting By-Law No. 304 of the Village of Southampton.

*Assented to 1st April, 1899.*

## Preamble.

WHEREAS the Municipal Corporation of the Village of Southampton, in the County of Bruce has by petition represented that By-Law No. 304 of the said corporation was submitted to a vote of the ratepayers entitled to vote on money by-laws as provided by *The Municipal Act*, and one hundred and fifty-seven of the ratepayers voted in favor of said By-Law and only nine against it; and whereas thirty-seven qualified ratepayers of the said village who were not in the municipality the day the voting on the said By-Law took place and who did not therefore vote, have also petitioned asking that the said By-Law should be confirmed; and whereas it is represented that the thirty-seven last mentioned ratepayers and the 157 ratepayers who voted in favour of the said By-law No. 304 are together more than two-thirds of the ratepayers of the said village qualified to vote on By-Laws for the creation of debts; and whereas the said By-Law provides for the loan of \$10,000 to the Southampton Manufacturing Company by the said corporation and the raising by the said corporation of the said amount by the issue of debentures and for the exemption of certain property from taxes (except school taxes) for a period of fifteen years; and whereas prior to the submission of the said By-Law to the electors as aforesaid an agreement was entered into between the said corporation and the said Company by which agreement certain slight modifications were made of the terms on which the said loan



was to be granted according to the said by-law and were well known to the electors of said Village before the said vote was taken; and whereas the said By-Law was finally passed by the Municipal Council of the said corporation of the Village of Southampton on the 17th day of August last 1898; and whereas by the said petition it has been represented that it is expedient and will be of advantage to the municipality that said By-Law No. 304 and the said agreement shall be declared legal valid and binding; and whereas the said By-Law comes within the provisions of the repealed clauses of *The Municipal Amendment Act, 1888*, relating to the granting of aid to industrial enterprises; and whereas it is expedient to grant the prayer of the said petition.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said By-Law of the said Village of Southampton being By-Law No. 304 of the said Village is hereby as set forth in the Schedule hereto marked A. declared legal, valid and binding upon the said municipality notwithstanding any defect in substance or form or in the mode of passing the same or otherwise and notwithstanding any want of authority of the said Corporation to pass the same. By-law No. 304 confirmed.

2. The said agreement which is set out in Schedule B. to this Act is hereby ratified and made legal and binding upon the parties thereto. Agreement confirmed.

3. The said Corporation of the Village of Southampton is hereby authorized and empowered to issue debentures as provided by said By-Law and the said debentures so issued are hereby declared legal and binding upon the said corporation. Authority to issue debentures.

## SCHEDULE A.

(Section 1.)

BY LAW No. 304.

Of the Corporation of the Village of Southampton.

A By-law for granting aid by way of loan and otherwise to the Southampton Manufacturing Company of the Village of Southampton.

Whereas the Southampton Manufacturing Company has applied to the Municipal Council of the Corporation of the Village of Southampton to aid them by lending them the sum of ten thousand dollars and by exempting them for a term of fifteen years from all taxes (except school taxes) on their lands hereinafter mentioned and buildings, machinery and plant thereon, and in consideration of such aid the said Company proposes to increase their buildings by erecting on their premises in the Village of Southampton a new brick factory of the dimensions of fifty feet by one hundred and forty-six feet and three storeys high, a new boiler and engine house of the

dimensions

dimensions of thirty-six feet by thirty-six feet, one storey high; and a drying kiln, thirty-six feet by seventy-five feet, and to place new machinery in the same, the said buildings and machinery to be of the value of not less than twenty thousand dollars, the said buildings to be completed and the machinery placed and running not later than the First of January A. D. 1899 and in further consideration of said aid the said Company proposes to bind themselves that they will during the term of fifteen years from the First of January A. D. 1899 employ not less than seventy five persons on the average each year, who shall be engaged in the running and working of the business of the said Company in the said Village of Southampton, and that they will pay said employees at least eighteen thousand dollars yearly in wages, and that the factory of the said Company in the said Village of Southampton shall run not less than ten months yearly and shall be engaged in the manufacture of furniture during said term of fifteen years subject however as respects the time of running and the amount of wages paid by the Company to deductions from inevitable accident to the buildings, plant or machinery of the said Company but no such deduction to be allowed for more than a reasonable time for repairing or rebuilding.

And whereas the said Municipal Council of the Corporation of the said Village of Southampton is willing to grant the aid so desired subject to the following provisos and conditions to which the said Company has signified its assent,

Provided that before the said money is advanced to the said Company the said Company shall enter into a written agreement with the said Corporation to do all things hereinbefore mentioned to be done by the said Company and that on failure in performance or on breach of any of conditions aforesaid the said Company shall at once repay the amount so lent to them.

Provided further that the said Company shall at or before the time when the said money is advanced to them under the provisions of this by-law give a first mortgage upon the following real estate, namely : Lot number eighteen and the south half of Lot number seventeen both on the east side of Grosvenor Street and Lot number eighteen on the west side of Albert Street, all in the said Village of Southampton, and on the plant and machinery thereon or that may at any time be placed thereon to the Corporation of the Village of Southampton, said mortgage containing an insurance clause to the amount of not less than ten thousand dollars in favour of the said Corporation, said mortgage to be given as security for the performance of conditions aforesaid by the said Company and for the repayment by the said Company of the said loan which repayment, unless the same shall become earlier payable, under the terms hereinbefore mentioned shall be made as follows :

One thousand dollars of said loan to be repaid to the said Corporation on the First day of April A. D. 1910.

One thousand dollars on the first day of April, A. D. 1911.

One thousand dollars on the First day of April, A. D. 1912.

One thousand dollars on the first day of April, A. D. 1913 and the balance namely, six thousand dollars on the first day of April, A. D. 1914 with interest on the unpaid part of said ten thousand dollars at four per cent per annum calculated from the first day of April, A. D. 1899 to be paid yearly on each first day of April thereafter, the first payment of interest to be made on the first day of April, A. D. 1900.

And whereas in order to advance the said sum of ten thousand dollars in manner aforesaid, it is necessary and is intended by this By-law to create a debt on the part of said Corporation and to proceed for the issue of debentures therefor.

And whereas it is necessary to raise annually for the period of ten years during the currency of debentures to be issued under this By-law the

the sum of four hundred dollars to pay the interest on the said debt and to pay the interest and principal of said debt it is necessary to raise during the year A. D. 1910, the sum of fourteen hundred dollars during the year A.D. 1911, the sum of thirteen hundred and sixty dollars during the year A. D. 1912, the sum of thirteen hundred and twenty dollars during the year A. D. 1913, the sum of twelve hundred and eighty dollars, and during the year A. D. 1914, the sum of six thousand two hundred and forty dollars.

And whereas the amount of the whole rateable property of the said Village of Southampton is two hundred and thirty-nine thousand six hundred and thirty-one dollars according to the last revised Assessment Roll.

And whereas the amount of the existing debenture debt of the said village is nine thousand two hundred and sixty-one dollars, no part of which either for principal or interest is in arrears.

Be it therefore enacted by the Municipal Corporation of the Village of Southampton as follows :—

That the said Municipal Corporation shall advance to the said Southampton Manufacturing Company by way of loan to enable the said Company to build new buildings on their premises in said village and equip the same with machinery and plant for the manufacture of furniture the sum of ten thousand dollars to be repaid as follows.

One thousand dollars on the first day of April, A.D. 1910.  
 One thousand dollars on the first day of April, A.D. 1911.  
 One thousand dollars on the first day of April, A.D. 1912.  
 One thousand dollars on the first day of April, A.D. 1913.  
 Six thousand dollars on the first day of April, A.D. 1914.

No interest to be paid for ten years, but thereafter interest on the unpaid principal at the rate of four per cent. per annum, calculated from the first day of April, A. D. 1909 to be paid yearly on each first day of April, and the said loan to be subject to the conditions aforesaid.

2. That it shall be lawful for the reeve and treasurer of the said corporation to issue debentures of said corporation to the said amount of ten thousand dollars.

3. That said debentures shall be of not less than one thousand dollars each and shall bear date the first day of April, A.D. 1899, and shall be issued to the respective amounts and payable on the first day of April in the respective years following :—

Year.	Interest.	Principal.	Total annual amount
1900.....	\$400.00	.....	\$ 400.00
1901.....	400.00	.....	400.00
1902.....	400.00	.....	400.00
1903.....	400.00	.....	400.00
1904.....	400.00	.....	400.00
1905.....	400.00	.....	400.00
1906.....	400.00	.....	400.00
1907.....	400.00	.....	400.00
1908.....	400.00	.....	400.00
1909.....	400.00	.....	400.00
1910.....	400.00	\$ 1,000.00	1,400.00
1911.....	360.00	1,000.00	1,360.00
1912.....	320.00	1,000.00	1,320.00
1913.....	280.00	1,000.00	1,280.00
1914.....	240.00	6,000.00	6,240.00

And said debentures shall have coupons attached for the payment of interest thereon.

4. The said debentures shall be made payable to the bearer thereof and the same and the coupons attached shall be made payable at the office of the treasurer of the said Village of Southampton.

5. The said debentures shall be sealed with the corporate seal of the said village, and the said debentures and coupons shall be signed by the reeve and treasurer of the said village.

6. The said debentures shall bear interest at the rate of four per cent. per annum from the first day of April, A.D. 1899, payable on the first day of April in each year until the same falls due, the first payment of interest to be made on the first day of April, A.D. 1900.

7. In addition to all other rates to be levied, the said corporation shall raise and levy in each year during the currency of said debentures or any of them by special rate on all rateable property in the said municipality, a sum sufficient to pay the amount falling due annually for the principal and interest upon the said debentures.

8. That the purchaser of any of the said debentures shall not be required to see to the application of the purchase money thereof or that the conditions of any agreement made or to be made between the Corporation of the Village of Southampton and the said Southampton Manufacturing Company have been complied with, observed or performed, but such debentures and coupons shall be unimpeachable on any such grounds in the hands of any purchaser for value.

9. That the said company shall for a period of fifteen years from the first day of January, A.D. 1899, be exempt from the payment of all taxes except school taxes, on their following property in the Village of Southampton.

10. That the foregoing parts of this by-law shall come into force and take effect from and after the same has been duly legalized and confirmed by the Legislature of the Province of Ontario.

11. That the votes of the electors of the Village of Southampton entitled to vote on this by-law shall be taken thereon on Monday the 11th day of July, A.D. 1898, commencing at the hour of nine o'clock in the forenoon and closing at the hour of five o'clock in the afternoon at the place and by the deputy returning officers hereunder specified, at the Town Hall in the Village of Southampton, by James Howe, Deputy Returning Officer.

12. That on the ninth day of July, 1898, the reeve (or presiding officer of the council) of said corporation shall attend at the clerk's office at 12 o'clock noon, and shall appoint in writing signed by himself, two persons to attend to the final summing up of the votes by the clerk of the said village and one person to attend the said polling place on behalf of the persons interested in and desirous of promoting and passing of this by-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of this by-law.

13. That on Wednesday, the thirteenth day of July, A.D. 1898, at the hour of twelve o'clock noon at the clerk's office, the clerk shall proceed to sum up the number of votes given for and against this by-law.

JAMES HOWE,

Clerk.

WM. MCGREGOR,

Chairman. [L.S.]



## SCHEDULE B.

*(Section 2.)*

This indenture made in duplicate the eighth day of July, A.D. one thousand eight hundred and ninety-eight.

Between the Corporation of the Village of Southampton, of the first part, and

The Southampton Manufacturing Company, Limited, of the second part.

Whereas the said parties of the second part have applied to the municipal council of the said corporation for aid by loan and otherwise to enable the said parties of the second part to extend their business in the said village ;

And whereas the said parties of the first part have agreed, subject to the agreements, provisoes and conditions hereinafter contained, to aid the said parties of the second part in extending their business by lending them the sum of ten thousand dollars and by exempting certain parts of the property hereinafter set forth from all taxes, except school taxes ; provided that the said municipal council shall be authorized by the Legislature of the Province of Ontario to grant such aid and that by-law No. 304, read a first time and to be voted on by the voters in the village of Southampton on the eleventh of July instant, shall be carried on such vote, and shall be duly legalized and confirmed by special Act of the Legislature of the Province of Ontario.

And whereas it has been agreed that if said by-law shall be carried by a vote of the qualified municipal electors of the village of Southampton an application shall be made to the Legislature of the Province of Ontario at its next session to have said by-law duly legalized and confirmed.

Now this indenture witnesseth that the said parties hereto agree as follows :—

1. The said parties of the second part shall proceed to erect on their premises in the village of Southampton, in the county of Bruce, being lot number eighteen and south half of lot number seventeen, both on the east side of Grosvenor street, and lot eighteen on the west side of Albert street, a new brick factory of the dimensions of not less than fifty feet by one hundred and forty-six feet, and three storeys high, a new boiler and engine house of the dimensions of not less than thirty-six feet by thirty-six feet, one storey high, and a drying kiln not less than thirty-six feet by seventy-five feet, and shall place machinery in the same, the said buildings and machinery when completed, together with the land above mentioned (exclusive of the buildings now on the same) and all the machinery of the said parties of the second part in the buildings upon the said land to be of the value of not less than twenty thousand dollars.

2. The said buildings shall be fully completed and the machinery placed therein not later than the fifteenth day of June, A.D. 1899.

3. The said parties of the second part shall place machinery in the said buildings and the value of said buildings and machinery, together with the land above mentioned (exclusive of the buildings now on the same) and together with all the machinery of the said parties of the second part in all the buildings upon the said lands, shall be on the fifteenth of June next and shall be at all times until the said loan is repaid be maintained by the said parties of the second part at not less than twenty thousand dollars. The machinery mentioned in this paragraph and in paragraph one hereof shall be machinery in the nature of fixtures, so as to be included in the mortgage hereinafter mentioned.

4. For a period of fifteen years from the first of January, 1899, the said parties of the second part shall run their factory in the said village of Southampton, situate on the lands above mentioned, as a furniture factory

for

for a period of at least ten months in each and every year (except as hereinafter mentioned) and shall pay in each and every year during said term to persons employed in such factory not less than eighteen thousand dollars in wages, except the first year, and shall pay during said first year in wages not less than fifteen thousand dollars.

Provided however that in case any inevitable accident to the buildings, plant or machinery shall prevent the said parties of the second part from running said factory for the full period of ten months in any one year, or in consequence of such stoppage from paying the full amount of eighteen thousand dollars in wages in such year, such failure to keep said factory running for said time or to pay said amount of wages as aforesaid shall not be construed a breach of this agreement, provided that no more than a reasonable time shall elapse before repairing or rebuilding is completed.

5. The said parties of the first part shall have the right before advancing the said sum of ten thousand dollars to appoint a valuator to value the land, buildings, machinery and plant to see that they are of the full value of twenty thousand dollars, and at any time during the said term of fifteen years from the first of January, 1899, the said parties of the first part may have a valuation made by some valuator appointed by themselves for the same purpose. In case such valuator shall estimate the value of the land, buildings, machinery and plant (as mentioned in paragraph three hereof) to be under twenty thousand dollars, the said parties of the first and second parts may agree in appointing some valuator whose valuation shall be final. In case the said parties of the first and second parts cannot agree as to appointing such valuator, a valuator shall be appointed by the county judge, whose valuation shall be final.

6. The said parties of the second part shall at all times allow free access to their books of account to the Municipal Council of Southampton, or any committee or agent appointed by said council, so far as to show that they have fulfilled this Agreement as to payment of wages and as to the time they have kept running and so as to show the actual cost of the land, buildings, machinery and plant.

7. Before the said parties of the first part advance the said sum of ten thousand dollars the said parties of the second part shall execute a mortgage in favour of the said parties of the first part, upon Lot Number Eighteen and the south half of Lot Number Seventeen, both on the east side of Grosvenor Street, and Lot Number Eighteen on the west side of Albert Street all in the said Village of Southampton and upon and including fixed machinery and buildings forming part of the real estate.

8. The said Mortgage shall be a first mortgage and shall be given as security for repayment of the said loan of ten thousand dollars and interest on the terms of repayment hereinafter mentioned and as security that the said parties of the second part will abide by and fulfil all the terms and conditions of this Agreement.

9. The said Mortgage shall contain an insurance clause providing for insurance to the amount of not less than ten thousand dollars in a company or companies to be approved by the parties of the first part, the loss, if any, to be paid to the parties of the first part as their interest may appear. The said insurance to be held by the said parties of the first part as collateral security for the repayment of said loan and interest.

10. The said mortgage shall contain a clause to the effect that all plant and machinery brought on the premises either in addition to or substitution for other plant and machinery shall so far as legally possible, become fixtures and shall be included under said mortgage and that all machinery in the said premises at the time the said mortgage is given shall be considered as fixtures so far as legally possible.

11. The said parties of the second part shall pay the said sum of ten thousand dollars to the said parties of the first part as follows :--

\$1,000.00 on the First of April, A.D. 1910.

\$1,000.00 on the First of April, A.D. 1911.

\$1,000.00 on the First of April, A.D. 1912.

\$1,000.00 on the First of April, A.D. 1913.

\$6,000.00 on the First of April, A.D. 1914.

with interest from the First of April, A.D. 1909, at four per cent. per annum to be paid yearly on each first of April thereafter.

12. The said mortgage shall contain a clause to the effect that the whole of said sum of \$10,000 shall at once become due and payable in the event of the failure at any time of the said parties of the second part to fulfil all the terms and conditions in this agreement on their part to be performed and shall be conditioned to be void upon payment of the principal and interest as aforesaid and upon performance by the said parties of the second part of all terms and conditions on their part to be performed.

13. Before advancing said moneys the said parties of the second part shall satisfy the solicitor of the said parties of the first part that they have a good title free from all liens, charges and encumbrances to the land buildings plant and machinery contained in said mortgage.

14. In case the buildings plant and machinery or any part thereof shall be destroyed by fire during the continuance of this agreement the said parties of the second part shall immediately or so soon as reasonably possible, according to the season of year, proceed to rebuild or replace the same.

15. All expenses incurred by the said parties of the first part in obtaining the passage of a private Act of the Legislature of the Province of Ontario legalizing and confirming said By-law No. 304 shall be borne by the said parties of the second part but the expenses of submitting said by-law or any amendment thereto to the vote of the electors of the Village of Southampton shall be borne by the parties of the first part.

16. In case the Legislature of the Province of Ontario shall refuse to pass an Act legalizing and confirming said By-law No. 304, this Agreement shall become null and void.

In witness whereof the said parties hereto have hereunto set their hands and seals, in manner following, that is to say, the said parties of the first part the hand of the Reeve and Clerk and the Corporate Seal of Southampton and the said parties of the second part, the hand of their president and their corporate seal.

L.S.

Signed, Sealed and Delivered  
in the presence of  
C. M. BOWMAN.

Signed, Sealed and Delivered  
in the presence of  
J. L. CONAWAY.

DANIEL KNECHTEL,  
President.  
P. M. KNECHTEL,  
Sec'y-Treasurer  
A. E. BELCHER,  
Reeve.  
JAMES HOWE,  
Clerk.

## CHAPTER 82

## An Act to confirm By-law No. 779 of the City of Stratford.

*Assented to 1st April, 1889.*

## Preamble.

WHEREAS the Municipal Council of the Corporation of the City of Stratford and John Whyte the younger, and Robert P. Whyte heretofore carrying on business as and under the style of The Whyte Packing Company, have by their petition represented that on the 31st day of January, 1899, they entered into the agreement set forth in Schedule A hereto first having passed the By-law set forth in Schedule B, hereto being By-law No. 779, of the said City of Stratford which was submitted to a vote of the ratepayers entitled to vote on money by-laws as provided by *The Municipal Act*, and the said by-law was approved by a very large majority of the ratepayers; and whereas various special petitions have been presented signed by qualified ratepayers who had not voted on the said by-law and asking for the confirmation of the said by-law and agreement, and it has been made to appear that more than two-thirds of the ratepayers qualified to vote on money by-laws have approved of the said by-law and agreement; and whereas there exist between the said by-law and the said agreement some discrepancies as to the style of the firm name and the name of the company to be incorporated as therein provided for, and as to the terms and conditions upon which the said agreement should be entered into and whereas the said by-law was published before the said agreement was fully considered by the council of the said city corporation thereby rendering it inexpedient by reason of the loss of time that would have been required to

do



do so to make the agreement exactly conform to the provisions of the by-law or the by-law to the provisions of the agreement; and whereas the agreement having been fully considered and adopted by a very large committee embracing a majority of the council, and printed and published as the same now is, not only in the press of the said city but by a very large number of copies intended to be distributed amongst the ratepayers of the said city and actually distributed amongst them, so that they might fully understand the nature of the said agreement, before voting upon the said by-law; and whereas the said council and the said John Whyte the younger and Robert P. Whyte by their petition have prayed that the said agreement may be confirmed and declared legal and valid, and that the said by-law may also be confirmed and declared legal and valid, with the provision however that in so far as and in what parts soever there may be any conflict between the by-law and the agreement the provisions of the agreement shall govern and that whilst rendering the said agreement and by-law valid the municipal council of the said City of Stratford, and the said John Whyte the younger and Robert P. Whyte, or the corporate company contemplated to be formed, may be enabled to make and execute such further provisions as may be necessary between the said parties as to effectually carry out the the said agreement in Schedule A, in the true spirit and intent thereof; and whereas the said by-law comes within the provisions of the repealed clauses of *The Municipal Amendment Act, 1888*, relating to the granting of aid to industrial enterprises; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The agreement set out in Schedule A. to this Act is hereby confirmed and declared legal and valid for all purposes and it shall be lawful for the Corporation of the City of Stratford and the said John Whyte the younger and Robert P. Whyte or the said corporate company to do any and all acts necessary to carry out and give full effect to the said agreement in all respects and according to the true spirit, intent and meaning thereof. Agreement confirmed.

2. The said by-law No. 779 of the corporation of the City of Stratford as set forth in Schedule B. to this Act, is hereby confirmed and declared to be valid and binding from the time of the passing thereof, to all intents and purposes, save and except wherein the same may conflict with the provisions of the said agreement, and in such points of conflict the said agreement in Schedule A. shall govern. By-law 779 confirmed.

Authority to  
repeal by-law.

3. Notwithstanding anything in the said agreement or in the said by-law contained it shall be competent for the said Corporation of the City of Stratford, in the event of the said project referred to in the said by-law and agreement falling through from any cause whatsoever to repeal the said by-law.

## SCHEDULE A.

### (Section 1.)

THIS AGREEMENT (in duplicate) this 31st day of January, in the year of Our Lord, one thousand eight hundred and ninety-nine, between John Whyte, the younger, and Robert P. Whyte, both of the town of Mitchell in the County of Perth, Pork Packers, hereinafter called the parties of the first part, and the Corporation of the City of Stratford, hereinafter called the parties of the second part :

Whereas, the parties of the first part have heretofore been carrying on business in the town of Mitchell under the name, style and firm of The Whyte Packing Company, and they intend to become, along with such others as may take stock in the proposed company, an incorporated company, under the name of the Whyte Packing Company of Stratford, Limited, and it is intended that the said company when incorporated either under the Ontario Companies Act, or The Companies Act or both with a view to carrying on the business of pork packing in the said city of Stratford, such company to have at least a capital stock of one hundred and fifty thousand dollars, and subscribed capital stock of one hundred thousand dollars whereof, before these presents have become operative and entitle the parties of the first part or the said company to the guarantee and privileges hereinafter referred to, sixty-five thousand dollars shall have been paid up.

And whereas, the parties of the first part intend that they or the said company so incorporated shall acquire land in the City of Stratford whereon to build, and that they shall build thereon the following buildings, that is to say :

1. A main building to be one hundred and twelve feet by ninety-six feet ; three stories high, and also a basement story the whole size ; the basement to be of substantial stone foundation and the three stories above that to be of brick, the first and second stories being two brick thick and the third story a brick and one-half thick.

2. A killing house at least fifty feet by fifty feet, two stories high of substantial brick, well built on substantial stone foundation.

3. An engine room of at least fifty feet by thirty-six feet and two stories high, built substantially of brick upon substantial stone foundation.

And whereas, the estimated cost of the said buildings shall be from twenty thousand to twenty-five thousand dollars, and therein and in connection therewith is to be placed machinery and plant, consisting of engines, boilers, freezers and scraping machines, and all other appliances incidental to and needful to be used in a well appointed and complete packing house, being estimated to cost about twenty-five thousand dollars in addition to the said buildings ; the whole, buildings, plant and machinery, appliances, land and property in connection therewith to cost in all at least, and be worth at least forty-five thousand dollars, and for the ex-

penditur e

penditure thereof, making the said sum of forty-five thousand dollars, the parties of the first part or their said company are to produce the vouchers and evidence to show to the satisfaction of the engineer for the city and the solicitor for the said city, who are to report thereon to the council of the said city and their report to be binding and final.

And whereas, upon it being reported by the said engineer and solicitor aforesaid that there has been expended by the said parties of the first part, or the said company the said sum of forty-five thousand dollars and a mortgage, lien, or other form of security approved of by the said city solicitor forming the first charge upon the said land has been created for the purpose of borrowing upon the security of the whole of the said property both real and personal, the sum of thirty thousand dollars, then the said parties of the second part shall and will guarantee the payment of the said sum and interest at such rate as may be agreed upon.

And whereas, it has been agreed that the said loan shall be re-paid in annual instalments of not less than fifteen hundred dollars in each year with interest in the meantime upon the unpaid principal, and that the property covered by said mortgage, lien or other form of security shall be insured to at least the sum of twenty-five thousand dollars in a company or companies to be approved of by the parties of the second part; it being understood, however, that upon the reduction by the said payments on account of the said loan below the said sum of twenty-five thousand dollars, that the said insurance may be proportionately reduced, but in any case the policies shall be either assigned to the said parties of the second part or to the parties advancing the money or some one in trust for one or other or both.

And whereas, doubts may exist as to the parts of the said plant or machinery being within the class which might otherwise be known as personal property, and it is the intention and is hereby declared the intention of the parties of the first part, and will hereafter be declared by the said company to be the intention of them (the said company) that any such property shall become part of the real estate and be real estate, and that the said mortgage, lien or other form of security having been charged thereon shall be valid and binding upon all the said property whether it might otherwise have been classed as personal property or not, and the said mortgage, lien or other form of security be an effective charge thereupon without annual renewal within the meaning of the Act known as *The Bills of Sale and Chattel Mortgage Act*.

And whereas, in the event of default being made in the annual payment of the said instalments or interest, it is to be distinctly understood that the allowing of the said default to continue for more than one year without steps being taken and prosecuted to enforce the said mortgage, lien or other form of security, by the holders thereof against the property, will forfeit as to such instalments and interest in arrear the guarantee of the said city.

And whereas, the parties of the first part of the said company are to be given exemption from taxation for their land and premises, whereon are erected the said buildings, plant and machinery, and the said buildings, plant and machinery if there will have been employed continuously for a period of at least ten months in the year at least fifty men residing in the City of Stratford, in the carrying on of the said business, and that said exemption from taxation shall (if and so long as from year to year at least said number of men resident in said City of Stratford are continuously employed for at least said period of ten months in each year), continue for the period of twenty years from the first day of January next preceeding the giving of the said guarantee.

And whereas, the said company may for valid business reasons find it inconvenient to continue in any one year for ten months the employment of so large a number of men, and may find it prudent to depart from that standard in any one year, and it is understood that such departure for such valid business reasons shall not be construed as a forfeiture



feiture of the said provisions, if during a period of three years including the first year in which such departure or default takes place as the first of said three years, there shall have been employed within and during the said period of three years either a sufficient number of men by increasing the number beyond fifty or by continuing the business with at least fifty in any one or more years of the said three years, so as to result in making a disbursement for wages during the said whole period of three years taken as a whole, a sum equal to what would have been disbursed for wages to fifty men employed for ten months in each year continuously over the said period and so on from time to time in successive periods of the like space of three years during said twenty years.

And whereas, in the event of the average number of men so employed for any such three years falling below the said standard of fifty men continuously for at least ten months in each year for the said period of three years, it is intended that said exemptions from taxation shall thereafter cease in and upon the said assessable value of the said property in the like proportion in which the said falling off in the average of the said fifty men per year bears to said whole number and the property aforesaid thenceforward shall be liable to taxation in that proportion and shall from time to time after each successive period of three years in which there has been any further reduction of the said average number of men be further proportionately liable to taxation.

And whereas, it is not intended by the said concession that there shall be withdrawn from the present assessable real estate of the city a greater quantity of land than to the amount of two thousand dollars' worth according to the assessed or assessable value thereof.

And whereas, the parties of the second part have agreed in order to facilitate the said pork packing establishment in securing drainage that they will within six months from the date hereof construct the remaining part of the trunk sewer which now ends on Gore street to its final termination at the culvert on Erie street as heretofore projected, and will give to the Stratford Water Supply Company the necessary instructions to entitle them to extend their main from Erie street or elsewhere towards the point where the said buildings for the packing business may be carried on for at least such a distance as will entitle the said Water Supply Company to be paid for, if necessary, two more hydrants, and in the event of the parties of the second part acquiring the works of the said Water Supply Company, the parties of the second part will build or construct at least a like distance of one thousand feet which will be required to entitle the Water Supply Company under the present contract with the parties of the second part, to be paid for an extra hydrant.

Now therefore this agreement witnesseth, that the parties hereto hereby covenant and agree to and with each other as follows :

1. The parties of the first part agree to form and become along with such others as may take stock in the said proposed company, an incorporated company under the name of The Whyte Packing Company of Stratford, Limited, to be incorporated either under *The Ontario Companies Act*, or *The Companies Act* and amendments thereto, or both, with a view to carrying on and for carrying on the business of pork packing in the city of Stratford, the said company to have at least a capital stock of one hundred and fifty thousand dollars, and a subscribed capital stock of one hundred thousand dollars, whereof sixty-five thousand dollars shall have been paid up capital before they the parties of the first part shall be entitled to claim from the parties of the second part the execution of the guarantee and grant of the privileges hereinbefore recited.

2. The said parties of the first part shall and will procure the said Company when so incorporated to execute an agreement with the city, binding the said corporate company to keep and observe all the provisions herein contained, and put forth as intended to be binding upon the said parties of the first part and the said corporate company or the said corporate company.



3. The said parties of the first part covenant with the parties of the second part that the said corporate company shall and will acquire land in the city of Stratford whereon to build and that they shall build thereon the following buildings, that is to say :

(a) A main building to be one hundred and twelve feet by ninety-six feet, three stories high, and also a basement story the whole size ; the basement to be of substantial stone foundation and the three stories above that to be of brick, the first and second stories being two bricks thick, and the third story a brick and a half thick.

(b) A killing house of at least fifty feet by fifty feet, two stories high of substantial brick, well built on substantial stone foundation.

(c) An engine room of at least fifty feet by thirty-six feet and two stories high, built substantially of brick upon substantial stone foundation. And shall place therein and in connection therewith machinery and plant, consisting of engines, boilers, freezers and scraping machines, and all other appliances incidental to and needful to be used in a well appointed and complete packing house, and that the whole building, plant and machinery, appliances and land and property in connection therewith shall cost in all at least and be worth at least forty-five thousand dollars.

4. The said parties of the first part or the said company in their lieu and stead will proceed immediately after the erection of the said buildings, and placing therein the plant and machinery aforesaid, and show to the satisfaction of the engineer of the city and the solicitor for the said city, vouchers and evidence to satisfy them that the said sum of forty-five thousand dollars or such other sum as may be the correct sum, has been expended in the building of the said buildings and placing therein of plant and machinery, and the acquiring of the said land and other connections in the way of tracks or constructions to make the said property work efficiently.

5. The parties of the first part shall and will, or the said company for them and in their stead shall and will have the said buildings erected and completed within one year from the date hereof and be ready then to operate the same, and shall thenceforward after the completion thereof employ and continue to employ for at least ten months in the year for each and every year for the period of twenty years following fifty men residing in the said city of Stratford.

6. The parties of the first part covenant that in each year during the said twenty years, in the first week in January in each year, the president and secretary of the said company shall furnish to the parties of the second part, by delivering to their clerk, or such officer as they may appoint for the purpose of receiving the same, a declaration duly made under *The Canada Evidence Act 1893*, showing the name and place of abode in said city of each man employed in carrying on of the said business and the time for which such man had served during the preceding year in the carrying on of the said business, and upon the request of the council of the parties of the second part, the said company shall and will at any time after the furnishing of the said declaration or in default of the same having been furnished, shall and will at any time upon request exhibit to the parties of the second part or such person or officer as they may appoint for the purpose of inspecting the same, all the books of the said company containing any entry in relation to the payment of wages or the hiring of men for the years preceding that in which the demand shall be made.

7. In the event of the said company finding it inconvenient for valid business reasons to continue in any one year for ten months the employment of so large a number of men as hereinbefore provided and prudent to depart from that standard in any one year it is understood and agreed that such departure for such valid business reasons shall not be construed as a breach of the said covenant in paragraph 5 hereof, if during a period of three years including the first year of default as first of said three years there shall have been employed within and during the said period

of

of three years either a sufficient number of men by increasing the number beyond fifty or by continuing the business with at least fifty men long enough in any and all of the said three years so as to result in making a disbursement for wages during said whole period of three years taken as a whole, a sum equal to what would have been disbursed for wages for fifty men employed for ten months in each year continually over the said period and so on from time to time in successive periods of the like space of three years during the said twenty years or the then remainder thereof, always counting the first defaulting year of the series as first thereof.

8. Upon the completion of the said work and report of the said engineer and solicitor to the council, showing the amount expended in connection with the building of the said buildings and placing therein of the plant and machinery and acquiring of the said land and other connections in the way of tracks or erections to make the said property work efficiently, the said company shall place before the council of the said parties of the second part the mortgage, lien or other form of security showing how they propose to secure the proposed loan of thirty thousand dollars to be secured and the rate of interest to be payable thereupon, which it is understood shall be a reasonable rate of interest to be approved of by the parties of the second part.

9. In the event of there being any difference between the said sum of forty-five thousand dollars and the actual cost for purposes aforesaid according to the said report of engineer and solicitor, the council may, if such report show a less expenditure than forty-five thousand dollars, make allowance and arrangement therefor on the basis of the like proportion of the amount to be guaranteed by the parties of the second part as exists between the said proposed loan of thirty thousand dollars and forty-five thousand dollars of expenditure.

10. The parties of the second part shall and will thereupon at the request of the said parties of the first part, or the said corporate company, execute such a good and sufficient guarantee as will bind the parties of the second part to secure to the lender or lenders of the said proposed loan or any part thereof payment thereof at the rate of fifteen hundred dollars a year of principal with interest at the rate to be agreed upon by the parties hereto of the second part and the said company upon the unpaid principal, and upon the understanding and agreement that the said mortgage, lien or other form of security, shall be a first charge upon all the said property including the land and premises acquired for the purposes of the said property and rights of way and track therein and thereto, the buildings erected thereon, plant and machinery placed therein, and all other constructions and erections made in or to make the said property work efficiently, the same having been declared by the said company to be and form part of the real estate in question, whether it might otherwise have been so held at common law or not.

11. To effectually carry out the purpose of these presents and they shall be only operative upon that being done, it is expected that the Legislature will by an Act to be passed declare all the said property real estate and not require an annual renewal of chattel mortgage upon that part that might otherwise be looked upon as personal property.

12. The parties of the second part agree that the said company are to be given exemption from taxation for the said land and premises whereon are to be erected the said buildings, plant and machinery, and the said buildings, plant and machinery if and so long as they will have employed continuously for a period of at least ten months in the year at least fifty men residing in the City of Stratford in the carrying on of the said business to be continued for the period of twenty years from the first day of January next preceding the giving of the said guarantee. Provided always that if the land acquired as above exceeds two thousand dollars of assessable or assessed value, then such excess shall not be exempt.

13. It is further agreed that if as hereinbefore provided for valid business reasons it is found inconvenient to continue in any one year for ten months

months, the employment of so large a number of men and prudent to depart from that standard in any one year, that such departure shall not be construed as a forfeiture of said provision for exemption if during a period of three years, including the first year of said three years, there shall have been employed within and during the said period of three years, either a sufficient number of men by increasing the number beyond fifty or by continuing the business with at least fifty long enough in any or all of said years of the said three years, so as to result in making a disbursement for wages during said whole period of three years, taken as a whole, a sum equal to what would have been disbursed for wages to fifty men employed for ten months in each year continuously over the said period and so on from time to time in successive periods of the like space of three years during the said twenty years or the remainder thereof; it being understood that in each case the first year in which a departure shall have taken place shall for the purpose of the commutation of three years, be the first of the said period of three years.

14. In the event of the average number of men so employed for any such three years falling below the said standard of fifty men continuously for at least ten months in each year for the said period of three years, the said exemption from taxation shall forthwith cease in and upon the said assessable value of the said property in like proportion in which the said falling off in the average of the said fifty men per year bears to the whole number and the property aforesaid thence forward shall be liable to taxation in that proportion, and shall from time to time after each successive period of three years in which there has been any further reduction of the said average number of men be further proportionately liable to taxation.

15. And the parties of the second part covenant to and with the parties of the first part, that they, the parties of the second part, shall and will continue the trunk sewer at present in course of construction from the point on Gore street, where constructed, to the termination thereon as originally projected at the culvert on Erie street; and will in any event give to the Stratford Water Supply Company the necessary instructions to entitle the Stratford Water Supply Company to extend their main from Erie street or elsewhere towards the point where the said buildings for the said pork packing business are to be erected for at least such a distance as will entitle the said Stratford Water Supply Company, under their existing agreement with the city, to charge for at least, if necessary, two extra hydrant services per annum, and will in the event of the parties of the second part acquiring the said works extend the water main from Erie street or elsewhere over the like distance at the expense of the said parties of the second part.

16. The parties of the second part shall and will repeal their present by-law, or so amend same as to make an exception in favour of the said company as to the provisions prohibiting carrying on of slaughter houses within the city limits upon getting necessary legislative authority therefor.

17. The said guarantee shall provide that the allowing of any default in payment of the annual instalment of interest to continue for more than one year without steps being taken and prosecuted to enforce the said mortgage, lien or other form of security, by the holders thereof against the property will forfeit the guarantee of the said city; the same remaining good, however, against default as to future instalments until they shall have been allowed to remain in default for one year without steps being taken and prosecuted to enforce as aforesaid, and so from time to time.

18. It is understood and agreed that an application shall be made jointly by the parties hereto for an Act of the Legislature of the Province of Ontario to be passed at the next session ensuing the execution hereof, rendering binding and valid this agreement and the by-law for granting said privileges now being published, and enabling the parties hereto and the said company to so deal with both the said by-law and agreement as to render them consistent in any particular wherein they may be now inconsistent



consistent, and to enable the municipality to make and execute such future provisions as may be necessary between the parties of the second part and the said corporate company to effectually carry out these presents, in the true spirit and intent thereof.

---

## SCHEDULE B.

### (Section 2.)

#### BY-LAW No. 779 OF THE CITY OF STRATFORD.

To authorize the said city to guarantee the payment of \$30,000 to be borrowed by the firm of Messrs. John Whyte & Sons upon a packing factory to be erected.

Whereas the firm of John Whyte & Sons, of the Town of Mitchell, also carrying on business in the said City of Stratford, have recently determined, upon the conditions of this by-law being passed, to erect in the said City of Stratford a pork packing establishment to cost not less than the sum of fifty thousand dollars.

And whereas it has been agreed, in the event of their doing so, or their being able to form a joint stock company with a capital of not less than \$100,000, and inducing the said company to do so, that the said city shall and will guarantee the payment of a loan of \$30,000, to be obtained by the said firm or by the said company upon the security of the said pork packing establishment and all machinery and plant therein used therewith to be repaid in sums of \$1,500 a year, with interest, as may be agreed upon between the said company or firm and the lender of the money.

And whereas it is the intention, in the event of this by-law being adopted by a majority of the ratepayers of the said city entitled to vote upon a money by-law, to apply to the Legislature of the Province of Ontario for an Act confirming the said by-law and authorizing the said guarantee, and the said agreement.

And whereas the amount of the whole rateable property of the said municipality being for the year 1897, the sum of \$3,965,140.00.

And whereas the amount of the existing debt of the said municipality is the sum of \$741,840, of which the sum of \$407,000 is principal and the sum of \$334,840 is interest, and of the said principal and interest nothing is in arrear.

Be it therefore enacted by the corporation of the City of Stratford, as follows :

1. That it shall and may be lawful for the Mayor of the said City of Stratford and the council of the said City of Stratford to enter into an agreement with the said firm of John Whyte & Sons, or with the company now being promoted by them and incorporated under *The Ontario Companies Act*, for the purpose of carrying on the business of Pork Packing, to guarantee the repayment by the said John Whyte & Sons, or by the said corporate company of the sum of \$30,000, to be borrowed by them on a mortgage to be given upon the building and plant to be hereafter erected for the purpose of carrying on the said business in the said City of Stratford, upon such terms that the said mortgage shall be extended for twenty years and be reduced by payments of one thousand five hundred dollars and interest in each year during the said twenty years.



2. That it shall and may be lawful for the mayor and council of the said city to make such conditions and stipulations in connection with the carrying on of the said business before executing any such guarantee as to the said mayor and council for the time being may seem fit, in connection with the establishment and carrying on of the said works and the repayment of the said loan.

3. That in any event the said power shall not be exercised upon any agreement having any stipulation providing for the employment of less than at least fifty men for each year continuously during each year unless at the option of the said mayor and council it may be thought desirable to dispense with such employment for a period not exceeding two months in any one year.

4. This by-law shall take effect and come into force on the 17th day of January, 1899.

5. On the 28th of December, A.D. 1898, at the hour of ten o'clock in the forenoon at the Mayor's office, Stratford, the appointment of persons to attend to the polling places and at the final summing up of the votes by the clerk, respectively on behalf of the persons interested in and promoting or opposing the passage of this by-law will be made.

6. The clerk of the said municipality shall sum up the number of votes given for and against this by-law on Wednesday, the 4th day of January, A.D. 1899, at the clerk's office Stratford.

7. The votes of the ratepayers entitled to vote on this by-law shall be taken thereon at the places hereinafter mentioned and the said votes shall be so taken on the 2nd day of January, A.D. 1899, the polls to be open at the hour of nine o'clock in the forenoon and closed at the hour of five o'clock in the afternoon, and the persons also hereinafter named shall be the returning officers to take votes at the said polls.

For the 1st sub-division of Avon Ward, at Wilkinson's Soda Water Works, Huron street, Arthur Bushfield, Returning Officer.

For the 2nd sub-division of Avon Ward, at the Avon Ward public school house, Caledonia street, W. S. Cowan, Returning Officer.

For the 1st sub-division of Falstaff Ward, at Lamb & Bates pump shop, Ontario street, Peter R. Jarvis, Returning Officer.

For the 2nd sub-division of Falstaff Ward, at the Falstaff Ward public school house, William street, Walter Miller, Returning Officer.

For the 1st sub-division of Hamlet Ward, at the central school house, St. Andrew street, D. R. McPherson, Returning Officer.

For the 2nd sub-division of Hamlet Ward, at the Hamlet Ward public school house, Galt street, Walter McMillan, Returning Officer.

For the 1st sub-division of Romeo Ward, at Hagarty's store, Brunswick street, John R. Stewart, Returning Officer.

For the 2nd sub-division of Romeo Ward, at Romeo Ward public school house, Grange street, J. R. Boothby, Returning Officer.

For the 3rd sub-division of Romeo Ward, at Pratt's store, Ontario street, James Dunsmore, Returning Officer.

For the 4th sub-division of Romeo Ward, at Bolger's store, Shakespeare street, W. S. Bolger, Returning Officer.

For the 5th sub-division of Romeo Ward, at Mrs. Lamb's house, Frederick street, John B. Capitain, Returning Officer.

For the 6th sub-division of Romeo Ward, at David Morrison's house, Nile street, Henry Brewer, Returning Officer

For

For the 1st sub-division of Shakespeare Ward, at Room No. 7 in the Worth block, Wellington street, William Lawrence, Returning Officer.

For the 2nd sub-division of Shakespeare Ward, at Durst's cooper shop, Wellington street, John O'Donoghue, Jr., Returning Officer.

For the 3rd sub-division of Shakespeare, at Mrs. Behrenwald's house, Mackenzie street, Thomas Henderson, Returning Officer.

For the 4th sub-division of Shakespeare Ward, at the Shakespeare Ward public school house, Strachan street, Samuel Robb, Returning Officer.

For the 5th sub-division of Shakespeare Ward, at W. J. Pepper's store, Nelson street, John Watson, Returning Officer.

This by-law passed in open council this sixteenth day of January, in the year of our Lord one thousand eight hundred and ninety-nine.

R. R. LANG,  
City Clerk.

JAMES HODD,  
Mayor.

## CHAPTER 83.

## An Act to incorporate the Village of Sturgeon Point.

*Assented to 1st April, 1899.*

**W**HEREAS the inhabitants of the Village of Sturgeon Point have, by their petition, set forth that it would greatly conduce to the benefit of the said village to be incorporated and have prayed for an Act accordingly; and whereas no opposition has been offered to the granting of the prayer of the said petition; and whereas it is expedient to grant the prayer of the said petition; Preamble

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. On and after the passing of this Act the inhabitants of the said Village of Sturgeon Point comprised within the boundaries in the second section of this Act mentioned, shall be, and they are hereby constituted a corporation or body politic, separate and apart from the Townships of Fenelon and Verulam in which the said village is now situated, under the name of "The Corporation of the Village of Sturgeon Point," and shall enjoy all such rights, powers and privileges as are now, or shall hereafter, be conferred upon incorporated villages in the Province of Ontario. Incorporation

2. The said Village of Sturgeon Point shall comprise and consist of the following parcels and tracts of land; that is to say:— Boundaries.

Lot number ten in the 10th concession of the Township of Fenelon; that part of lot number eleven in the tenth concession of the said Township of Fenelon sub-divided into lots as laid down on registered plan No. 73, filed in the Registry Office of the County of Victoria, and a strip of land 232 feet wide lying immediately to the east of lots numbers one to seventeen inclusive, as shewn on the said registered plan and all parts of the said lot sold off for village lots on the east end thereof facing on the concession line; those parts of lots numbers twelve and thirteen in the tenth concession of the said Township of Fenelon lying to the west of a line drawn from a point on the southern boundary of lot number twelve at a distance of 500 feet easterly from the Lake Shore to a point on the northern boundary of the said lot number thirteen at a distance of 500 feet easterly from the Lake Shore; lot number ten and that part of lot number eleven in the eleventh concession of the said Township of Fenelon, lying to the south of a line drawn from a point on the eastern boundary of the said lot number eleven at a distance of 500 feet northerly from the lake shore to a point on the western boundary of the said lot number eleven at a distance of 500 feet northerly from the southwest angle thereof, and also all parts of the said lot number eleven subdivided into village lots as shewn by the registered plan of the subdivision of the said lot; and lot number eleven in the first concession of the Township of Verulam, in the County of Victoria; inclusive of all the allowances for roads within or between the said lands.

First election.

3. On Tuesday the 20th June, 1899, after the passing of this Act it shall be lawful for James M. Knowlson, Esquire, of the Town of Lindsay, who is hereby appointed the returning officer, to hold the nomination for the first election of reeve and councillors at some prominent place in the said village, at the hour of noon; and he shall preside at such nomination, or in case of his absence, the electors present shall choose from among themselves a chairman to officiate, who shall have all the powers of a returning officer, and the polling for the said election in the event of there being a poll required, shall be held on the same day of the week in the week next following the said nomination, and at the same place, and the duties of the returning officer shall be those prescribed by law with respect to incorporated villages.

Qualification  
at first  
election.

4. At the said election the qualification of the electors and of the reeve and councillors for the said village shall be the same as that required in townships, and at all subsequent elections, the qualification of electors and of the reeve, councillors and other officers, shall be the same as that required in incorporated villages, except that it shall not be necessary to reside within the municipality or within two miles thereof.



5. The township clerks of the Townships of Fenelon and Verulam shall furnish to the returning officer, upon demand, made by him for the same, a certified copy of so much of the last revised assessment rolls of the said townships respectively as may be required, to ascertain the persons entitled to vote at such first election, or with the collector's roll or with any document, writing, or statement that may be required for that purpose.

Clerks of Fenelon and Verulam to furnish copies of assessment roll.

6. The reeve and councillors so to be elected shall hold their first meeting at some prominent place in the said village, at the hour of noon on the same day of the week in the week next following the polling, or if there be no polling, on the same day of the week in the week next following the nomination.

First meeting of council.

7. Except as otherwise provided by this Act, the provisions of *The Municipal Act*, and of all other general Acts respecting municipal institutions, with regard to matters consequent upon the formation of new corporations and other provisions of the said Acts applicable to incorporated villages, shall apply to the Village of Sturgeon Point in the same manner as they would have been applicable had the said Village of Sturgeon Point been incorporated under the provisions of the said Acts.

Application of general provisions of R.S.O. c. 223.

8. The said Village of Sturgeon Point shall not be entitled to any of the assets and shall not be liable for any of the liabilities of either of the said Townships of Fenelon or Verulam, but the said village shall be entitled to all taxes on property therein to be rated from or after 1st January, 1899.

Adjustment of debts on incorporation.

9. From and after the passing of this Act the said Village shall cease to form part of the Townships of Fenelon and Verulam, and shall, to all intents and purposes, form a separate and independent municipality with all the rights, privileges and jurisdiction of an incorporated village in Ontario.

Village separated from Fenelon and Verulam.

10. The expenses of obtaining this Act, and of furnishing any documents, copies of papers, writings, deeds or any matter whatsoever, required by the clerk of the said village, or other officers of the said village, or otherwise shall be borne by the said village and be paid by it to any party that may be entitled thereto.

Expenses of Act.

11. Nothing in this Act contained shall have the effect of disqualifying any member of the municipal councils of the said Townships of Fenelon and Verulam or either of them, from holding office in said councils during the current year.

Members of the township council not disqualified.

12. The council of the said village may pass a by-law providing for the holding of the municipal elections at some convenient

Date for holding election.

venient

venient place in the Town of Lindsay, instead of in the said village, and may change the same from time to time or may provide for the elections taking place in the month of June or at any other time instead of the times fixed by *The Municipal Act*.

Rev. Stat.  
c. 223.

Offices to be  
filled by same  
person.

**13.** It shall be lawful for the council to appoint the same person to fill the following offices in the said village, or any of them, that is to say :—Clerk, treasurer, assessor, collector, fire warden and medical health inspector.

Local Board  
of Health.

**14.** It shall not be necessary for the council to appoint any local board of health for the said village, but the reeve and councillors of the said village shall form the local board of health for the said village and shall have all the powers given to local boards of health.

Village to  
form part  
of East Riding  
of Victoria.

**15.** The said village shall form part of the electoral district of the East Riding of the county of Victoria and part of the Fifth County Council Division of the County of Victoria.

Village to  
remain in  
existing  
school section.

**16.** The said village shall remain a part of the existing school section and shall not be separated therefrom.

## CHAPTER 84.

## An Act to confirm By-law No. 152 of the Village of Tara.

*Assented to 1st April, 1899.*

**W**HEREAS the Municipal Corporation of the Village of Tara Preamble. has by petition represented that the said corporation passed a by-law No. 152 entitled, "A by-law for granting aid by way of loan for the promotion and establishment of certain manufactures within the limits of the Village of Tara," wherein it was enacted that the said corporation might aid the firm of Biette & Company by lending them the sum of four thousand dollars to enable the said firm to erect or purchase buildings within the limits of the said corporation, to be completed and furnished with all suitable machinery for the manufacture of undressed lumber, cheese boxes, hoops and heading flour and apple barrels, butter ferkins, egg cases and other materials from wood, and costing when complete at least four thousand dollars, on certain conditions mentioned in the said by-law, the said loan to be repayable in eight annual payments of five hundred dollars each without interest, the first of such instalments to become due and be made on the 31st day of December, 1901; and whereas there is no other similar industry within the limits of the said Village of Tara; and whereas it has been shown that the former factory and works of the said Biette & Company were lately destroyed by fire and that many of the skilled workmen formerly employed by the said firm are in the said village without employment waiting for the re-establishment of the said industry, and that the said Biette & Company since the passing of said by-law have bought a site in the said village, erected buildings thereon, bought machinery

therefor

therefor and made other arrangements towards the erection of buildings and machinery, and the establishment of the said industry, all at great expense and labour in accordance with their agreement with the said corporation; and it appears that the said by-law was submitted to a vote of the ratepayers entitled to vote on money by-laws as provided by *The Municipal Act*, and that seventy-two of the ratepayers out of eighty-six ratepayers qualified to vote as aforesaid voted in favour of the said by-law and only four ratepayers voted against it; and whereas it has been represented that the said corporation has not hitherto passed any by-law for granting aid by way of bonus; and whereas the said corporation has prayed that the said by-law may be confirmed and declared legal and valid; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law No.  
152 of Tara  
confirmed.

1. By-law No. 152 of the Municipal Corporation of the Village of Tara set forth in Schedule A. to this Act, is hereby confirmed and declared legal, valid and binding upon the said municipal corporation, and the ratepayers thereof, notwithstanding any want of jurisdiction on the part of the said municipality to pass the said by-law, and notwithstanding any defect in substance or in form of the said by-law or in the manner of passing the same, and the said the Corporation of the Village of Tara is hereby authorized and empowered to issue debentures as provided by the said by-law, and the said debentures so issued under the said by-law are hereby declared legal and binding upon the said municipality, and the said corporation is hereby authorized and empowered to do all necessary acts for the full and proper carrying out of the said by-law No. 152.

---



## SCHEDULE A.

## BY-LAW No. 152.

A by-law for granting aid by way of loan for the promotion and establishment of certain manufactures within the limits of the Corporation of the Village of Tara.

Whereas Messrs. Biette & Co. of Chesley have applied to the Municipal Council of the said Corporation of the Village of Tara to aid them by lending them the sum of four thousand dollars for the term of ten years from Dec. 31, 1898, on condition that they shall without delay erect or purchase buildings within the limits of the Corporation of Tara to be finished and completed with all suitable machinery for the manufacture of undressed lumber, cheese box hoops and heading flour and apple barrels, butter ferkins, egg cases, &c. to the value of at least four thousand dollars, the same to be completed and in running order within one year from the first of Sept., 1898.

Said Biette & Co. to repay the said loan of \$4,000 in eight annual payments of \$500 each without interest, the first of such payments to be due and payable on December, 31st 1901.

The Corporation of Tara to be secured by first mortgage in fee upon the lands, building and machinery of the works to be established and upon the stock of lumber manufactured and unmanufactured material. The money to be advanced to Messrs. Biette & Co. from time to time as the building of the works progresses and to the satisfaction of the Reeve and Council of Tara and upon the further consideration that the said Biette & Co. will run said factory for at least ten months in each year and will employ whilst in operation during the term of ten years from the first day of January 1899 at least twenty persons or employees (no one of whom shall be under 15 years of age, and who shall be engaged and working in the said factory situate within the limits of the said Village of Tara) and the said Messrs. Biette & Co. shall enter into a written agreement with the said Corporation to do all things hereinbefore mentioned to be done on their part and that on failure in performance or breach of any one or more of the said conditions the said Biette & Co. shall immediately thereafter repay to the said Corporation the said loan.

Provided further that the said Biette & Co. shall keep the buildings, plant and machinery fully insured in favor of said Corporation of Tara for the observance of said conditions and the repayment of the said loan thereon claimable under the conditions of this by-law. The assessment of the foregoing mentioned property to be fixed at an annual assessment of \$2,000 : during the term of ten years.

And whereas in order to aid the said Messrs. Biette & Co. by lending them the said sum of four thousand dollars for the purposes and upon the conditions aforesaid, it is necessary and intended by this by-law to create a debt on the part of the said Corporation to the amount of four thousand dollars and to provide for the issue of debentures therefor.

And whereas it will require the several sums as shown by Schedule "A" of this by-law to be raised annually for a period of ten years as shown by said schedule, the currency of the debentures to be issued under and by virtue of this by-law for payment of the said debt and interest.

And whereas the amount of the whole rateable property in the Village of Tara according to the last revised Assessment Roll is \$221,280.

And whereas the amount of the existing Debenture debt of the said Village is \$1,600 no part of which, either for principal or interest is in arrear.

And whereas, in addition to all other rates to be levied in each year in the said municipality it will be necessary to raise annually by a special rate sufficient therefor on all the rateable property in the said municipality to raise the sums for principal and interest accruing due in the different

years

years as shewn by Schedule "A" of this by-law during the said period of ten years, to pay the several instalments of principal and interest on the said debt as they respectively become due and payable. Be it therefore enacted and it is hereby enacted by the Municipal Council of the Corporation of the Village of Tara as follows :

1. That it shall and may be lawful for the Municipal Council of the said Corporation of the Village of Tara to aid the said Messrs. Biette & Co. for the purchase of land and erection of sawmill, factory and sheds for the manufacture of undressed lumber, cheese box hoops, heading, flour and apple barrels, butter firkins, egg cases &c. in manner aforesaid by lending them the sum of four thousand dollars repayable without interest within the said period of ten years, unless the same shall become due and payable by reason of the breach of any one or more of the conditions and restrictions attached to such loan as hereinafter provided.

2. That for the purpose aforesaid the Reeve of the said Village of Tara shall cause eight debentures of the said Village of Tara to be made and issued at the sums of \$500 each and not to exceed the sum of four thousand dollars as in the preceeding section mentioned, and that the said Debentures shall be sealed with the seal of the said Corporation and signed by the Reeve and Treasurer thereof.

3. The said Debentures shall be payable respectively on the 31st day of December in each year in accordance with Schedule "A" of this by-law and coupons shall be attached thereto for the payment of interest thereon at the rate of 5 per cent per annum, payable on the 31st day of December in each and every year during the continuance of said Debentures or any of them at the said office of the Village Treasurer.

#### 4. SCHEDULE "A."

Debentures authorized to be issued under this by-law with year of payment.

	Year payable.	Principal.	Interest.	Total.
.....	Dec. 31, 1899	....	\$200	\$200
.....	Dec. 31, 1900	....	200	200
Deb. No. 1.....	Dec. 31, 1901	\$500	200	700
" " 2.....	Dec. 31, 1902	500	175	675
" " 3.....	Dec. 31, 1903	500	150	650
" " 4.....	Dec. 31, 1904	500	125	625
" " 5.....	Dec. 31, 1905	500	100	600
" " 6.....	Dec. 31, 1906	500	75	575
" " 7.....	Dec. 31, 1907	500	50	550
" " 8.....	Dec. 31, 1908	500	25	525
		<hr/> \$4,000	<hr/> \$1,300	<hr/> \$5,300

5. That a special rate on the dollar upon the assessed value of all the rateable property in the Village of Tara over and above and in addition to all other rates and taxes and which such special rate shall be sufficient to produce in each year the sum required as shewn by Schedule "A" of this by-law shall be annually levied and collected from the year 1899 to the year 1908 both years inclusive.

6. That a poll shall be held and the votes of the ratepayers entitled to vote upon this by-law shall be taken thereon on Friday, 23rd day of September next, at the hour of nine o'clock in the forenoon and continuing until five o'clock in the afternoon of the same day, in Vandusen's Hall, by J. D. Tobey, returning officer.

7. On Wednesday, Sept. 21, 1898, the Reeve of the said Village shall attend at the Clerk's Office at 12 o'clock noon, to appoint persons to attend at the polling place and at the final summing up of the votes by the Clerk, respectively on behalf of the persons interested in and promoting or opposing this by-law.

8. The clerk shall immediately at the close of the poll sum up the number of votes given for and against this by-law.

9. That this by-law shall come into force and effect immediately after the final passing thereof by the Municipal Corporation of the Village of Tara,

Read first time August 29, 1898.

Published in Tara Leader Newspaper September 1st, 8th and 15th.

Assented to by a vote of the ratepayers, vote taken Sept. 23, 1898, the vote being as follows : For 72, against 4.

Number on Assessment Roll qualified to vote 86.

Read second and third time and finally passed by the Municipal Council of the Village of Tara this twenty-sixth day of September, A.D. 1898.

J. D. TOBEY,  
Clerk.

ANDREW TRELFORD,  
Reeve.

{ Corporate Seal }  
{ of the }  
{ Village of Tara }

## CHAPTER 85.

## An Act respecting the City of Toronto.

*Assented to 1st April, 1899.*

## Preamble.

**W**HEREAS the Municipal Corporation of the City of Toronto has, by its petition, prayed for special legislation in respect of the several matters herein set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

To authorize  
County of  
York to pay  
their share for  
pavement on  
Adelaide St.

**1.** The Corporation of the County of York may include in its estimates, and pay to the Corporation of the City of Toronto, from time to time the amount payable by them under by-law number 3,322 of the City of Toronto for their proportionate part of the pavement upon Adelaide Street, between Yonge and Church Streets in the said City of Toronto, and shall be liable for their share of the said pavement in the same manner, and to the same extent as if the City of Toronto had power to assess them at the time the said by-law was passed, and the said county had power to pay the amount thereby assessed, the county having agreed to pay its fair proportion of the cost of such pavement before the same was constructed.

To authorize  
debentures to  
be issued for  
several pur-

**2.** The council of the said corporation may, without submitting the same to the ratepayers qualified to vote on money by-laws, pass such by-laws as may from time to time be necessary to authorize an issue of "City of Toronto Consolidated



Loan Debentures" to such amount not exceeding \$358,059.40 as may be necessary for the purposes of completing the Court House and City Hall Building, and for the following purposes:

To complete the erection and furnishing of the  
new City Building .....\$220,000 00

To pay the proportion of the cost of opening Rose-  
dale Valley Road, assumed by the city under  
judicial decision..... 30,067 40

To pay for the construction of water mains in vari-  
ous parts of the city as follows:—

Queen Street, s.s. Soho Street to Spadina  
Avenue, 12-in. pipe, 800 feet.....\$1,800 00

Queen Street, s. s. Bathurst St. to Spadina  
Avenue, 6-in. pipe, 2,000 feet..... 2,160 00

Old iron mains renewed.

Queen Street, s.s. Yonge to Simcoe Street,  
12-in. for 8-in. old, 2,120 feet..... 4,785 00

Queen Street, s. s. Simcoe to Soho Sts.,  
12-in. for 8-in. old, 1,700 feet..... 3,825 00

O'Hara Avenue, Marion Street to 650  
feet north, 6-in. for 4-in. old, 650 feet. 650 00

To extend Bathurst Street main easterly  
to Bertram's shipbuilding yard.... 1,011 00  
————— 14,231 00

Water mains (authorized last year):—

Exhibition grounds.....\$6,265 00

Esplanade Street..... 1,600 00

Bay Street, south end..... 1,157 00

12-in. main, west side River Don..... 3,400 00

Pacific Avenue, Atlantic to Liberty, 6-in.  
main ..... 627 00

Chamberlain Ave., Wellington to Tecum-  
seh, 6-in. main..... 777 00

Piper Street, east end of main to 250 feet  
east, 6-in. main.. ..... 197 00

Front Street, east end of main to east  
end of city stables, 6-in. main.... 237 00

King Street, Dufferin to Grand, 12-in  
main..... 3,245 00

Springhurst Avenue, Dufferin to Tyndall,  
6-in. main..... 346 00

Springhurst Avenue, Spencer to Cowan,  
6-in. main..... 143 00

Lansdowne Avenue, Union to Shirley, 10-in. main.....	767 00	18,761 00
---	--------	-----------

For the erection of a new Technical School Building or the purchase of lands therefor .....	75,000 00	\$358,059 40
--	-----------	--------------

and for such purposes or any of them may issue any number of debentures payable in this Province or elsewhere, in sums of not less than one hundred dollars each, which may be payable at any time within thirty years from the respective dates thereof, with interest thereon in the meantime at a rate not exceeding four per cent. per annum, payable half yearly; and for the purpose of redeeming the said debentures and paying the interest thereon, the council of the Corporation of the City of Toronto may in any by-law or by-laws to be passed authorizing any such loan or loans, or any part thereof, and the issue of debentures therefor, impose a special rate per annum upon all rateable real and personal property in the said municipality over and above and in addition to all other rates to be levied in each year which shall be sufficient over and above the interest payable on such debentures to form a sinking fund to pay off the said debentures at maturity.

By-law No.  
3,519 con-  
firmed.

3. The Corporation of the City of Toronto may and shall, within three months after the coming into force of this Act, pass a by-law amending By-law Number 3,519 of the said corporation, passed upon the 29th day of December, 1897, as amended by By-law Number 3,560, passed upon the 21st day of March, 1898, relating to the Rosedale Valley Road, between Yonge Street and the River Don, so as to provide that the amount to be paid as the ratepayers' share of the cost of the improvement therein mentioned shall be \$15,722 instead of the sum in the said By-law Number 3,519 as amended by By-law Number 3,560 mentioned, and assessing the said sum of \$15,722 upon the lands referred to in the said by-laws, and extending the time for payments under the said by-laws so as to be over a period of twenty years from the 1st day of January, 1899, instead of 1898 as provided therein; and thereupon the assessments made, or to be made thereunder, are declared to be valid and effectual as from the date of the passing of such by-law, notwithstanding the decision of the Honourable John Douglas Armour, C.J., quashing the same because by law Number 2,164 of the said corporation, whereby the Rosedale Valley Road was opened and laid out, was not completely registered although left with the Registrar of the City of Toronto, and the fees for such registration duly paid, and the Registrar of East Toronto is now authorized to register the said By-law Number 2,164, and By-law Number 3,509 amending

amending the same, in his books as of the date when the said By-law Number 2,164 was left with the former registrar for the City of Toronto; provided that nothing in this section contained shall affect the question of costs in the pending appeal in *Re Henderson* and the City of Toronto, or affect the issues involved in the action of *William Mortimer Clark vs. Mary Calender Thomson, et al.*, or any other action or proceeding now pending. The Corporation of the City of Toronto may and shall assume the balance of the cost of the said improvement over and above \$15,722 as the city's share thereof.

4. Notwithstanding the fact that the local improvement system has been introduced into the City of Toronto, whereby all works, including the paving of streets, is to be done at the expense of the property benefited, the Corporation of the City of Toronto may enter into an agreement with the Grand Trunk Railway Company of Canada to provide for the paving of Station Street at the joint expense of the said corporation and the said company. Agreement with G.T.R. confirmed.

5. Section 2 of chapter 85 of the Acts passed by this legislature in the 56th year of Her Majesty's reign is amended by substituting figures "230" for the figures "80" in the eleventh line thereof, and by substituting the figures "330" for the figures "180" in the fourteenth line thereof; provided, however, that with the consent of the Lieutenant-Governor in Council, instead of adding the additional land to the east, as hereinbefore provided, the additional piece of land south of the present hospital and extending to the jail fence and an additional piece the width of the present hospital grounds from north to south and fifty feet easterly of the present hospital lands may be used as additional lands to the present isolation hospital. 56 Vic. c. 85, s. 2, amended. Isolation hospital.

6. The by-laws of the Corporation of the City of Toronto specified in Schedule A hereto and all debentures issued or to be issued thereunder, and all assessments made or to be made for payment thereof, are hereby validated and confirmed. By-laws validated.

7. The Corporation of the City of Toronto may, by by-laws, fix the assessment of the hotel to be erected by the Toronto Hotel Company for a period of ten years at the sum of \$360,000 per annum. Power to fix assessment of Toronto Hotel Company.

## SCHEDULE A.

List of By-laws providing for the issue of debentures, passed by the Council of the Corporation of the City of Toronto at the respective dates set opposite each, the particulars of which are set out below.

No. of By-law.	Nature of Work under By law.	When passed by Council.	Amount of Debt Created.	Amount to be borne by City.	Amount to be borne by Ratepayers.	Period of Payment.	Rate of Interest.
			\$	\$	\$	Years.	Per cent.
3,530	Consolidating the ratepayers' share of the cost of certain cedar block pavements laid down during the year 1897 .....	Feb. 7, 1898. ....	12,876 63	.....	12,876 63	5	3½
3,531	Asphalt roadway on Aberdeen avenue, between Ontario street and a point 222 feet east.....	" 7, " .....	1,119 29	.....	1,119 29	10	3½
3,532	Asphalt roadway on Adelaide street, between Yonge street and Bay street .....	" 7, " .....	6,337 70	.....	6,337 70	10	3½
3,533	Asphalt roadway on Berkeley street, between Gerard street and Carlton street .....	" 7, " .....	4,382 52	.....	4,382 52	10	3½
3,534	Asphalt roadway on Front street, between Yonge street and Church street .....	" 7, " .....	10,148 98	.....	10,148 98	10	3½
3,535	Brick roadway on Bellevue avenue, between Oxford street and College street .....	" 7, " .....	2,024 20	.....	2,024 20	10	3½
3,536	Brick roadway on Collier street, between Park road and the east end thereof .....	" 7, " .....	1,452 94	.....	1,452 94	10	3½
3,537	Brick roadway on Hazelton avenue, between Yorkville avenue and Davenport road .....	" 7, " .....	7,287 20	.....	7,287 20	10	3½



## SCHEDULE A.—Continued.

No. of By-law.	Nature of Work under By-law.	When passed by Council.	Amount of Debt Created.	Amount to be Borne by City.	Amount to be Borne by Ratepayers.	Period of Payment.	Rate of Interest.
			\$	\$	\$	Years.	Per cent.
3,538	Brick roadway on Huron street, between College street and Bloor street .....	Feb. 7, 1898.....	14,438 35	.....	14,438 35	10	3½
3,539	Brick roadway on Lowther avenue, between Avenue road and a point 630 feet west .....	" 7, " .....	3,228 91	.....	3,228 91	10	3½
3,540	Brick roadway on Prince Arthur avenue, between Avenue road and a point 628 feet west .....	" 7, " .....	3,883 25	.....	3,883 25	10	3½
3,541	Brick roadway on Wellesley place, between Wellesley crescent and Wellesley lane .....	" 7, " .....	2,252 51	.....	2,252 51	10	3½
3,542	Brick roadway on Fenning street, between Queen street and Humbert street .....	" 7, " .....	2,177 08	.....	2,177 08	6	3½
3,543	Brick roadway on Nassau street, between Spadina avenue and Bellevue avenue .....	" 7, " .....	3,161 42	.....	3,161 42	10	3½
3,544	Brick roadway on St. Joseph street, between Yonge and St. Vincent .....	" 7, " .....	2,024 32	.....	2,024 32	10	3½
3,545	Macadam roadway on Classic place, between Huron street and the east end thereof .....	" 7, " .....	570 90	.....	570 90	5	3½
3,546	Gravel roadway on Melbourne avenue, between Cowan avenue and Dufferin street .....	" 7, " .....	918 17	.....	918 17	3	3½
3,547	Concrete sidewalk on east side of Church street, between King and Adelaide streets .....	" 7, " .....	668 18	.....	668 18	10	3½
3,548	Concrete sidewalk on the south side of Prince Arthur avenue, between Avenue road and Bedford road .....	" 7, " .....	784 98	.....	784 98	10	3½
3,549							

## SCHEDULE A.—Continued.

No. of By-law.	Nature of work under By-law.	When Passed by Council.	Amount of Debt Created.	Amount to be Borne by City.	Amount to be Borne by Ratepayers.	Period of Payment.	Rate of Interest.
			\$	\$	\$	Years.	Per cent.
3,549	Concrete sidewalk on the north side of Front street opposite Nos. 10, 12, 14 and 16 on said street.	Feb. 7, 1898....	229 54	.....	229 54	10	3½
3,550	Concrete sidewalk on the south side of Front street, between Yonge and Scott streets, except 85 feet in front of Nos. 5 and 7 on said street.....	" 7, " ....	467 14	.....	467 14	10	3½
3,551	Concrete sidewalk on the west side of Yonge street, between Bloor street and Yorkville avenue, except from Cumberland street to a point 40 feet south.....	" 7, " ....	1,186 59	.....	1,186 59	10	3½
3,552	Concrete sidewalk on the west side of Victoria street, from a point 125 feet 5 inches north of Adelaide street to Richmond street.....	" 7, " ....	585 18	.....	585 18	10	3½
3,553	Concrete sidewalk on the west side of West Market street, between King and Front streets, except 27 feet in front of No. 34 on said street.	" 7, " ....	671 51	.....	671 51	10	3½
3,554	Wooden kerbs and filling in the boulevards on Strachan avenue, between King street and Wellington avenue.....	" 7, " ....	168 52	.....	168 52	2	3½
3,555	Sewer on Lampport avenue, between Crescent road and the east end.....	" 7, " ....	229 17	.....	229 17	10	3½
3,558	Ratepayers' share of the cost of certain wooden sidewalks laid down in 1897.....	" 21, " ....	6,581 94	.....	6,581 94	3 or 2	3½

## SCHEDULE A.—Continued.

No. of By-law.	Nature of Work under By-law.	When passed by Council.	Amount of Debt Created.	Amount to be borne by City.	Amount to be borne by Ratepayers.	Period of Payment.	Rate of Interest.
			\$	\$	\$	Years.	Per cent.
3,563	Macadam roadway on Richmond street, between Bay street and York street .....	April 4, 1898....	2,544 60	.....	2,544 60	3	3½
3,564	Macadam roadway on the east side of Queen's Park crescent, between the east side of Queen Street College avenue and the junction of the said crescent with the road running north therefrom to Bloor street .....	" 4, " ....	2,853 45	.....	2,853 45	3	3½
3,565	Brick roadway on Huntley street, between Isabella street and Bloor street .....	" 4, " ....	4,012 80	.....	4,012 80	10	3½
3,566	Brick roadway on Huntley street, between Isabella street and Earl street .....	" 4, " ....	693 26	.....	693 26	10	3½
3,567	Brick roadway on Grange avenue, between Spadina avenue and Esther street .....	" 4, " ....	3,216 55	.....	3,216 55	10	3½
3,568	Concrete sidewalks on the south side of College street, from Elizabeth street to Mission avenue, on the west side of Mission avenue from College street to a point 145½ feet southerly, and on the east side of Elizabeth street from College street to a point 105½ feet southerly.	" 4, " ....	717 32	.....	717 32	10	3½
3,569	Concrete sidewalk on the east side of Bay street, between Wellington street and a point 158 feet northerly .....	" 4, " ....	252 71	.....	252 71	10	3½

## SCHEDULE A.—Continued.

No. of By-law.	Nature of work under By-law.	When passed by Council.	Amount of Debt Created.	Amount to be Borne by City.	Amount to be Borne by Ratepayers.	Period of Payment.	Rate of Interest.
			\$	\$	\$	Years.	Per cent.
3,570	Brick sidewalk on the north side of Bloor street, between Yonge street and Sherbourne street.	April 4, 1838....	1,699 48	.....	1,699 48	10	3½
3,571	Brick sidewalk on the north side of Spruce street, between Parliament street and the first lane east.....	" 4, " ....	45 04	.....	45 04	10	3½
3,572	Brick sidewalks on the south side of Queen street, from Bertie street to a point fifty feet easterly, and on the east side of Bertie street from Queen street to a point ninety feet southerly.	" 4, " ....	85 83	.....	85 83	10	3½
3,573	Brick sidewalk on the west side of John street, between King street and Adelaide street.....	" 4, " ....	230 54	.....	230 54	10	3½
3,574	Brick sidewalk on the west side of Drummond place, between Adelaide street and the first lane north.....	" 4, " ....	20 82	.....	20 82	10	3½
3,575	Ratepayers' share of the cost of certain wooden sidewalks laid down in 1897.....	" 4, " ....	639 39	.....	639 39	3	3½
3,576	Brick roadway on Grand Opera House lane, between Adelaide street and a point 149 feet south.....	" 4, " ....	469 88	.....	469 88	6	3½
3,577	Brick roadway on Johnston street, between Adelaide street and the south end thereof.....	" 18, " ....	596 82	.....	596 82	6	3½



SCHEDULE A.—*Concluded.*

No. of By-law.	Nature of work under By-law.	When Passed by Council.	Amount of Debt Created.	Amount to be Borne by City.	Amount to be Borne by Ratepayers.	Period of Payment.	Rate of Interest.
			\$	\$	\$	Years.	Per cent.
3,578	Macadam roadway on Beverly street, between Queen street and College street .....	April 18, 1898.....	12,562 77	.....	12,562,77	5	3½
3,579	Brick sidewalk on the east side of Peter street, between Adelaide street and a point 144 feet southerly .....	" 18, " .....	86 49	.....	86 49	10	3½
3,597	Debentures for constructing, repairing and renewing pavements upon portions of streets occupied by right of way of The Toronto Railway Company .....	July 11, " .....	114,348 00	114,848 00	.....	10	3½
3,598	Consolidating the broken amounts in several Local Improvement By-laws .....	" 11, " .....	120,584 87	.....	120,584 87	various	3½
3,599	Consolidating the city's share of amount named in certain Local Improvement By-laws .....	" 11, " .....	42,837 90	42,837 90	.....	various	3½
3,602	Consolidated loan debentures for the Public Schools .....	" 11, " .....	100,000 00	100,000 00	.....	31	3½
3,605	Consolidated loan debentures for High Schools and Collegiate Institutes .....	Sept. 19, " .....	6,250 00	6,250 00	.....	10	3½

## CHAPTER 86.

## An Act respecting the Toronto Chain Ferry.

*Assented to 1st April, 1899.*

## Preamble.

WHEREAS the Corporation of the City of Toronto has by its petition prayed for special Legislation authorizing it to establish and operate a Chain Ferry between the main land and the Island in the City of Toronto; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

Authority to  
operate a  
ferry.

1. The Corporation of the City of Toronto is authorized to operate a Ferry between some point on the main land at or west of Brock Street and the Breakwater opposite the Queen's Wharf, by means of a chain attached to the said Ferry and operating the same, and may include in the estimates of the said Corporation or raise by by-law or otherwise a sum not exceeding \$10,000 to establish the same.

## CHAPTER 87.

## An Act respecting By-law No. 109 of the Town of Welland.

*Assented to 1st April, 1899.*

**W**HEREAS the Municipal Corporation of the Town of Welland in the County of Welland has petitioned, praying that an Act may be passed to confirm and legalize a by-law of the said corporation passed on the 4th day of July, 1898, entitled "No. 109, a By-law to provide for constructing a sewer in Ward No. 3 of the Town of Welland, and for borrowing upon the credit of the said town the sum of \$1,616 for completing the same," a copy of which said by-law is contained in the schedule to this Act; and whereas the said corporation, by their petition, have represented that it is necessary and expedient and of advantage to the said municipality that the said by-law No. 109 should be ratified and declared legal, valid and binding; and whereas no opposition has been made to the said petition; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-law No. 109 of the Municipal Corporation of the Town of Welland set forth in Schedule "A." to this Act is hereby confirmed and declared legal, valid and binding upon the said municipal corporation, and the ratepayers thereof and

By-law  
No. 109 con-  
firmed.

affected

affected thereby, from the date of the passing thereof, notwithstanding any defect in substance or in form of the said by-law or in the manner of passing the same, and notwithstanding any want of jurisdiction on the part of the municipality to pass the same, and the said corporation is hereby authorized and empowered to issue debentures as provided by the said by-law and the said debentures issued under said by-law are declared legal and binding upon said municipality, and the said corporation is hereby authorized and empowered to do all necessary acts for the full and proper carrying out of the said by-law No. 109.

2. Nothing in this Act contained shall prejudice or affect the question of costs of any action or proceeding now pending.

---

## SCHEDULE A.

### BY-LAW No. 109.

#### (Section 1.)

A by-law to provide for constructing a sewer in Ward No. 3 of the Town of Welland and for borrowing upon the credit of the said town the sum of \$1,616, for completing the same.

Whereas it has been thought necessary to construct a sewer in the Third Ward of the said Town of Welland on Dennistoun Street and West Main Street; and whereas the municipal council of the said Town of Welland procured an examination to be made by George Ross, Civil Engineer, being a person competent for such purpose, of the locality proposed to be benefitted thereby, and having also procured plans and estimates of the work to be made by the said George Ross, and an assessment also to be made by him of the real property to be benefitted by such sewer, stating as nearly as he can the proportion of benefit which in his opinion will be derived in consequence of such sewer by every street or lot or portion of lot. The assessment so made being the assessment hereinafter enacted by this by-law to be assessed and levied upon the lots or parts of lots hereinafter in that behalf specially set forth and described, and the report of the said George Ross in respect thereof and of the said sewer, being as follows:

*To the Mayor and Members of the Municipal Council of the Town of Welland:*

GENTLEMEN,—In accordance with instructions to me I now submit a detailed assessment on lots to be benefitted by the proposed sewer in Dennistoun Street from the Welland River to West Main Street, and



thence on West Main Street to Fraser Street. This work will greatly improve the sanitary condition of the lots fronting on it as it will provide efficient sewerage and cellar drainage, besides quickly carrying off the surface water from the streets along which it is located. The estimate provides for an eighteen inch sewer on Dennistoun Street and this will be sufficient for carrying off all surface water that may be conveyed to it. Should the Dennistoun Street sewer be continued south of West Main street, an eighteen inch sewer would be required only as far as it may be considered necessary to provide for taking the water from the main channel between Dennistoun Street and the raceway. The proposed sewer on Dennistoun Street will be a sufficient outlet for all branch sewers on West Main, Bald and Jane Streets between Fraser Street and the raceway, and a small rate for outlet is assessed against all lots in this tract.

The branch sewers as shown in the accompanying plan will provide efficient sewerage and cellar drainage, and the drainage of surface water from the area assessed lying between Dennistoun and Fraser Streets and will also provide efficient sewerage and cellar drainage for all lots assessed lying west of Dennistoun Street, except a few low lying lots along the main water course where cellar drainage could not be provided except at a great increase of the cost of the whole system. The assessment for outlet in these low lying lots is correspondingly reduced.

1. The property to be benefitted is as shown on the accompanying plan and also specified in the schedule of assessment.
2. The probable lifetime of the work is about forty years.
3. I estimate the probable cost of the proposed work at \$1,616. This includes the construction of an eighteen inch sewer on Dennistoun Street between the river and West Main Street, and a twelve inch sewer on West Main Street, between Dennistoun and Queen Streets, and a nine inch sewer to Fraser Street.

As it is considered best to locate the sewer along the edge of the road-bed rather than along the centre of the street, I have made a difference in the rate of the frontage assessment on opposite side of the street to offset the difference in the cost of connecting the sewer.

Of the total cost of \$1,616, I have rated the sum of \$450 against the corporation on account of street intersections, school lots, surface drainage and as explained in my report of 16th ult.

The assessment frontage and outlet is as stated in the following schedule :

## FRONTAGE ASSESSMENT FOR SEWER ON WEST MAIN AND DENNISTOWN STREETS.

Owner.	Street.	Lot.	Value of improvement.	To cover interest for 10 years at 4 per cent.	Total special rate.	Annual assessment during each year for 10 years.
Mrs. Rushing	West Main, S. S.	4	\$ 27 00	\$ c. 6 44	\$ c. 33 44	\$ c. 3 34
Mrs. Tuckey	"	E pt	13 00	3 10	16 10	1 61
R. Morwood Estate	"	W pt	14 00	3 34	17 34	1 73
H. N. Wilson	"	5	27 00	6 44	33 44	3 34
D. D. Hoover	"	7	27 00	6 44	33 44	3 34
F. Adley	"	8	27 00	6 44	33 44	3 34
J. T. Dunare	"	9	27 00	6 44	33 44	3 34
M. Vanderburgh	"	10	27 00	6 44	33 44	3 34
Mrs. M. Wishart	"	11	27 00	6 44	33 44	3 34
D. Moore & Co.	"	12	27 00	6 44	33 44	3 34
C. H. Reilly	"	13	27 00	6 44	33 44	3 34
J. B. Stephens	"	12	28 00	6 68	34 68	3 47
London and Canadian Loan and Agency Co.	"					
A. Hendershot	"	12	38 50	9 18	47 68	4 77
W. W. Wilson	"	E. pt.	13 00	3 10	16 10	1 61
D. Robins	"	W. pt.	20 00	4 78	24 78	2 48
R. Moore	"	E. pt.	18 00	5 17	22 17	2 22
Mrs. M. Phillips	"	W. pt.	22 00	7 51	29 51	3 95
Franklin, E. S.	"	27 & 28	50 00	11 84	61 84	6 18
Mrs. Johnson	Franklin, N. S., and West Main, N. S.	30	50 00	11 84	61 84	6 18
M. Lounsbury	West Main, N. S.	31	35 00	8 37	43 37	4 34
J. M. Wade	"	32	17 50	4 18	21 68	2 17
J. Peach	"	E. $\frac{1}{2}$	17 50	4 18	21 68	2 17
	"	W. $\frac{1}{2}$	17 50	4 18	21 68	2 17

FRONTAGE ASSESSMENT FOR SEWER ON WEST MAIN AND DENNISTOUN STREETS.

Owner.	Street.	Lot.	Value of improvement.	To cover interest for 10 years at 4 per cent.	Total special rate.	Annual assessment during each year for 10 years.
			\$ c.	\$ c.	\$ c.	\$ c.
S. W. Downey	West Main, N. S.	34	35 00	8 37	43 37	4 34
R. McClellan	"	35	80 00	19 10	99 10	9 91
F. M. Hagar	Dennistoun, E. S.	35	40 00	9 55	49 55	4 96
W. E. Hardison	"	Cemetery	50 00	11 94	61 94	6 19
J. McLashan Estate	"	C. B. C.	20 00	4 71	24 71	2 47
Mrs. Springer	"	45 & S. pt.	60 00	14 33	74 33	7 43
P. & T. F. Brown	"	N. P.	10 00	2 39	12 39	1 24
Ambrose Ellsworth	West Main, N. S.	42	2 50	60	3 10	31
W. M. Ellsworth	"	E. 1/2	2 50	60	3 10	31
John Soule	"	W. 1/2	11 00	2 63	13 63	1 36
Non-resident	"	J. L. & S. E. pt. H. R.	20 00	4 80	24 80	2 48
J. W. Eastman	"	2 & 3	6 00	1 44	7 44	75
F. McClellan	"	4	4 00	1 08	5 08	51
J. Shanahan	"	5	4 00	1 08	5 08	51
E. H. Burgar	"	6	4 00	1 08	5 08	51
Non-resident	"	7	4 00	1 08	5 08	51
Mrs. M. White	Bald, N. S.	28	7 00	1 68	8 68	87
R. Morwood Estate	"	27	7 00	1 68	8 68	87
H. N. Wilson	"	26	7 00	1 68	8 68	87
T. W. Duncan	"	25	7 00	1 68	8 68	87
J. W. Springer	"	24	7 00	1 68	8 68	87
J. T. Dunare	"	23	7 00	1 68	8 68	87
M. Vanderburgh	"	22	7 00	1 68	8 68	87
Jas. Bampton	"	21	3 00	72	3 72	37

## FRONTAGE ASSESSMENT FOR SEWER ON WEST MAIN AND DENNISTOWN STREETS.—Continued.

Owner.	Street.	Lot.	Value of improvement.	To cover interest for 10 years at 4 per cent.	Total special rate.	Annual assessment during each year for 10 years.
			\$ c.	\$ c.	\$ c.	\$ c.
D. Moore & Co. ....	Bald, N. S. ....	.....20	3 00	72	3 72	37
C. H. Reilly .....	" .....	.....19	3 00	72	3 72	37
M. Lounsbury .....	" .....	.....8	3 50	84	4 34	44
Jas. Oliver .....	" .....	.....9	3 00	72	3 72	37
Non-resident .....	" .....	.....10	2 50	60	3 10	31
J. Shanahan .....	" .....	.....11	3 00	72	3 72	37
Non-resident .....	" .....	.....12	3 50	84	4 34	44
Non-resident .....	" .....	.....13	3 50	84	4 34	44
H. A. Rose .....	" S. S. ....	55, 56, 57, 58	38 00	9 07	47 07	4 71
	Jane, N. S. ....	34, 35, 36, 37				
	" .....	.....53, 54				
Andrew Carl .....	Bald, S. S. ....	.....38, 39	20 00	4 71	24 71	2 47
Geo. Hannah .....	" .....	.....40	7 00	1 68	8 68	87
M. McAuliff .....	" .....	.....41	7 00	1 68	8 68	87
T. W. Duncan .....	" .....	.....42	3 00	72	3 72	37
R. Hannah Estate .....	" .....	.....43	3 00	72	3 72	37
Mrs. R. A. Campbell .....	" .....	.....44	3 00	72	3 72	37
Mrs. R. A. Campbell .....	Dennistown, E. S. ....	46 & 47	4 50	1 07	5 57	56
L. S. Lundy Estate .....	" .....	.....45	3 00	72	3 72	37
Jackson Wade .....	Bald, S. S. ....	.....14	3 00	72	3 72	37
J. Saunders .....	" .....	.....15	2 00	48	2 48	25
Geo. Morris Estate .....	" .....	.....16	1 50	36	1 86	19
Lavinia Cook .....	" .....	.....17	1 50	36	1 86	19
M. Lounsbury .....	" .....	.....18	2 00	48	2 48	25



FRONTAGE ASSESSMENT FOR SEWER ON WEST MAIN AND DENNISTOWN STREETS.—*Concluded.*

Owner.	Street.	Lot.	Value of improvement.	To cover interest for 10 years at 4 per cent.	Total special rate.	Annual assessment during each year for 10 years.
			\$ c.	\$ c.	\$ c.	\$ c.
Omer Herrick	Bald, S. S.	19	3 00	72	3 72	37
R. Morwood Estate	"	20	3 00	72	3 72	37
W. Vanderburgh	Jane, N. S.	52	6 00	1 44	7 44	74
J. McCoombs	"	51	2 00	48	2 48	25
F. Kennedy	"	50	2 00	48	2 48	25
J. E. Whalley	"	49	2 00	48	2 48	25
Geo. Bowman	"	48	2 00	48	2 48	25
Jackson Wade	"	21	2 00	48	2 48	25
Thomas Dalton	"	22	2 00	48	2 48	25
Martha Hobbins	"	23	1 00	24	1 24	12
R. Morwood Estate	"	24	1 00	24	1 24	12
W. R. Eastman	"	25 & 26	2 00	48	2 48	25
T. W. Duncan	"	27	1 00	24	1 24	12
Hooker Estate	"	66, 67, 72 & W 3	21 00	5 02	26 02	2 60
J. J. Sidey	S. S.	71	6 00	1 44	7 44	74
R. H. Morwood	"	68	8 00	1 91	9 91	99
D. D. Hooker	"	70 & E. 3	6 00	1 44	7 44	74
P. & T. F. Brown	"	69	10 00	2 39	12 39	1 24
R. Morwood Estate	"	73, 74, 75, 76, 77 & 78 J	4 00	96	4 86	50
Municipality Town of Welland			1,202 00	287 10	1,489 10	148 90
			414 00	98 80	512 80	51 28
			1,616 00	385 90	2,001 90	200 18

Estimate of cost of constructing sewer on Dennistoun Street from the Welland River to West Main Street, and along West Main Street to Frazer Street.

Sewer pipe \$730.00, catch basin and connections \$120.00, survey plans and report \$40.00, Excavation, pipelaying, &c., \$700.00, by-law expenses, \$26.00. Total estimated cost, \$1,616.00.

Welland, 3rd Sept., 1897, all of which is respectfully submitted.

Sgd. Geo. Ross,  
Engineer.

And whereas the said Council are of opinion that the drain or sewer in the locality is desirable.

It is therefore enacted by the said the Municipal Council of the Town of Welland pursuant to the provisions of the Municipal Act.

1st. That the Report, plan and specifications be adopted and the said sewer and the works connected therewith be made and constructed in accordance therewith.

2nd. That the Mayor of the said town may borrow on the credit of the Corporation of the said Town of Welland the sum of one thousand, six hundred and sixteen dollars, being the funds necessary for the work, and may issue debentures of the Corporation to that amount in sums of not less than one hundred dollars, each payable within ten years from the date thereof with interest at the rate of four per cent. per annum, that is to say, in annual payments, such debentures to be payable at the office of the said town, and to have attached to them coupons for the payment of interest.

3rd. That for the purpose of paying the sum of \$1,166.00, being the amount charged against the said lands so as to be benefited as aforesaid other than the streets and hydrants belonging to the Municipality, and to cover interest thereon at the rate of four per cent. per annum, the above special rates over and above all other rates shall be assessed and levied in the same manner and at the same time as taxes are levied upon the above described lots and parts of lots, and the amount of the said special rates and interest assessed as aforesaid against each lot or part of lot respectively, shall be divided into ten equal parts, and one of such parts shall be assessed and levied as aforesaid in each year for ten years after the final passing of this by-law during which the said debentures have to run.

4th. That for the purpose of paying the sum of \$414.00, being the total amount assessed as aforesaid against the said roads of the said Municipality and to cover interest thereon at the rate of four per cent. per annum, a special rate of \$51.28 over and above all other rates shall be levied in the same manner and at the same time as other taxes are levied upon the whole rateable property in the said Town of Welland in each year for the period of ten years after the date of the final passing of this by-law during which the said debentures have to run.

Read in Council the first and second time on the 5th day of June, 1898, and referred to committee for completion of calculations on same.

Sgd. E. R. HELLEMS,  
Clerk.

Reported as amended on the 4th day of July, 1898, said amendments being change of rate of interest as shewn therein.

Sgd. E. R. HELLEMS,  
Clerk.

Read the third time and passed in Council the 4th day of July, 1898.

Sgd. E. R. HELLEMS,  
Clerk.



Sgd. D. D. HOOKER,  
Mayor.

## CHAPTER 88.

## An Act respecting the Town of Whitby.

*Assented to 1st April, 1899.*

WHEREAS the Municipal Corporation of the Town of Whitby has by petition represented that the said corporation passed a by-law number 559 for granting aid by way of a loan of \$10,000. to the "King Brothers Company of Whitby, Limited" to aid the said company in carrying on the business of tanning leather in the said town, the said loan to be repaid in ten years and the said company to pay annually the interest thereon, and one Charles King to give security by way of mortgage before the payment of the said loan to the said company on certain lands mentioned in the said by-law and assign a certain policy of life insurance for \$10,000 mentioned in the said by-law; and whereas it has been represented that the said business had for over twenty-five years been extensively carried on in the said town of Whitby by the said Charles King and that the said town has derived great advantages from the employment of a large number of workmen therein, and that the said Charles King had for some months ceased to carry on said business and the said workmen had been compelled to seek employment elsewhere or engage in much less remunerative employment and that the said by-law had been submitted to the vote of the electors entitled to vote thereon, except to certain electors residing within the limits defined in Schedule "B" to by-law number 510 of the said corporation, such omission arising from mistake and inadvertence, and that the said by-law was approved by a considerable majority of the voters voting thereon, and a majority of the electors who had not an opportunity of voting on said by-law have petitioned for the

egalizing

legalizing of said by-law with certain amendments; and whereas it has been urged that by reason of the matters set out in said petition and shown on the consideration thereof that the circumstances of the said Town of Whitby are exceptional and that delay in making the said loan would be prejudicial to the said Town of Whitby, and that the said Charles King has since the passing of the said by-law, in consideration of this application, agreed with the Corporation of the said Town of Whitby to furnish additional security to the said town for the repayment of the said loan; and whereas it has been made to appear that 141 of the ratepayers entitled to vote on money by-laws do not reside in the said Town and that many of the said ratepayers have left the Province of Ontario and their present places of residence are unknown and that a number of them left the said town owing to the closing up of the business of the said Charles King; and whereas the total number of ratepayers qualified to vote on money by-laws in the said town is 523 and for these reasons the case of the town of Whitby is entirely exceptional; and whereas in considering the said petition it has been made to appear that the repealed provisions of *The Municipal Act* as amended by *The Municipal Amendment Act of 1888* relating to the granting of bonuses to manufacturers have not in all respects been complied with and it is not considered expedient to grant the prayer of the said petition, but it has been shewn to be desirable and expedient that the said corporation shall be authorized and empowered to pass another by-law in similar terms to the said by-law number 559 authorizing the said corporation to borrow the sum of \$10,000 and to loan the same to the said "The King Brothers Company of Whitby, Limited" on the terms as nearly as may be set forth in the said by-law with such additional amendments as to taking additional security for the repayment of the said loan as may be agreed upon with the amendment and subject in all respects to the conditions hereinafter set out; and whereas it is expedient to enact as hereinafter set forth;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Authority to  
issue debentures.

1. It shall be lawful for the Municipal Corporation of the Town of Whitby to raise by way of loan the sum of \$10,000 and to loan the same to the said King Brothers Company, Limited, and to issue debentures for the purposes aforesaid and do all other acts in connection therewith as if the power of granting bonuses were still vested in municipalities.

Authority to  
pass by-law.

2. It shall be lawful for the council of the Corporation of the Town of Whitby to pass a by-law for the purpose aforesaid on the terms as nearly as may be as set forth in the said by-

law



law No. 559 with amendments providing for additional security for the repayment of the said loan but the fourth paragraph of the enacting part of said by-law shall be amended by substituting the provision following

“That during ten years the currency of the said debenture or debentures to be issued under the authority of the by-law the sum of \$400 shall be raised annually for the payment of interest on said debentures, and also the sum of \$892.60 for the purpose of forming a sinking fund for the payment of the principal of the said loan of \$10,000. in ten years according to the provisions of the statute in that behalf, making in all the sum of \$1,292.60 to be raised annually as aforesaid, and that a special rate on the dollar upon the assessed value of all the rateable property in the Town of Whitby, saving and excepting lands of twenty acres and upwards in one block used for farming purposes which were exempted or intended to be exempted under by-law number 510 of said corporation from taxation for bonuses, which might after the fifteenth day of April A.D. 1895, be granted by the Town of Whitby over and above all other rates and taxes and which special rate shall be sufficient to produce in each year the said sum of \$1,292.60 shall be annually levied and collected unless the said debentures shall be sooner paid, for the purpose of paying the said sum of \$10,000 with interest thereon aforesaid.”

3. The said by-law for granting a loan under or in pursuance of this Act shall not be valid if the making of such loan shall for its payment together with the payment of similar loans or bonuses (if any) already granted by the said corporation require an annual levy for principal and interest exceeding 10 per cent. of the total annual municipal taxation of the said town. Loan not to exceed 10 per cent. of annual taxation.

4. No such aid shall be given till after the passing of the said by-law by the municipal council of the said Town and the adoption of such by-law by the qualified electors as provided in *The Municipal Act* for the creation of debts and except as herein otherwise provided all the provisions of *The Municipal Act* relating to the creation of debts and the assent of the qualified ratepayers shall apply; Provided that the owners of lands in blocks of twenty acres and upwards used exclusively for farm purposes in the said town, shall not be qualified to vote on the submission of the said by-law, nor shall such lands be subject to any special rate to be levied and collected under such by-law. Assent of electors necessary

5. Notwithstanding anything contained in the preceding section of this Act the vote of two-thirds in the affirmative of the ratepayers qualified to vote on money by-laws of the said town of Whitby exclusive of the owners of farm lands mentioned in section 4 hereof as well as a majority of the ratepayers voting on the said by-law shall be necessary in order Two-thirds in affirmative as well as majority required.

to

to the carrying of the by-law ; freeholders entitled to exemption under section 2 of this Act shall not be entitled to vote upon said by-law in respect of property so exempted.

Certificate of clerk.

6. In addition to the certificate required by section 364 of "*The Municipal Act*" the clerk in case of a majority of votes in favour of the by-law shall further certify whether or not as shown by the voter' list such majority appears to be two-thirds of all the voters of the town of Whitby entitled to vote on the by-law other than freeholders entitled to exemption under section 2 of this Act.

Scrutiny of votes.

7. In case of a dispute as to the result of the vote on any by-law submitted under this Act the County Judge shall have the same powers for determining the question as he has in any case of a scrutiny of the votes.

Petition to judge.

8. The petition to the Judge may be by an elector or by the Council, and the proceedings for obtaining the Judge's decision shall be the same as nearly as may be as in the case of a scrutiny.

Certain sections of Municipal Act incorporated herewith.

9. Sections 245 to 258, 338 to 365 and sections 367 to 374 of *The Municipal Act* shall be taken and considered as part of this Act.

Certain other sections of Municipal Act incorporated herewith.

10. Except as otherwise provided in this Act all the clauses of *The Municipal Act* relating to the creation of debts, the issue of debentures and the time and manner of repayment of the same, shall apply and be read as part of this Act.

Irregularity in form not to invalidate.

11. No irregularity in the form of debentures to be issued under any by-law passed under this Act shall render the same invalid or illegal or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest, or any or either of them, or of any part thereof.

Authority to corporation to take mortgage.

12. It shall be lawful for the corporation of the town of Whitby to take and receive from the said Charles King the mortgage upon the lands and premises mentioned and described in the said by-law and to hold the same and the other securities mentioned therein and any other securities (if any) which may hereafter be given as security for the repayment of the said loan, and to take all necessary and proper proceedings and exercise all the remedies for the collection of the moneys secured by said mortgage and other securities upon the default of the said company in carrying out the several agreements and covenants with the said town of Whitby agreed to be given and mentioned in said by-law and in the said agreement of the 17th February, 1899.

## CHAPTER 89.

## An Act respecting the Village of Winchester.

*Assented to 1st April, 1899.*

**W**HEREAS the Municipal Corporation of the Village of **Preamble.**

Winchester has by its petition prayed for leave to aid in the establishment of a pork-packing industry in the said village by way bonus or loan to a joint stock company now or about to be organized and incorporated for such purpose, and also by way of exemption from taxation upon the lands, buildings, plant and machinery to be used in connection with the said industry, upon such terms and conditions as to the municipal council of the said corporation may seem advisable; and whereas over two-thirds of the electors entitled to vote upon by-laws creating debts not payable within one year from the creation thereof, have requested the municipal council of said corporation to apply for the passing of this Act; and whereas it has been made to appear that no bonus or aid in the nature of bonus has heretofore been granted by the said corporation in aid of any industrial enterprise and that there is not now any other business of the same nature in the said village; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall be lawful for the Corporation of the Village of Winchester to pass a by-law or by-laws for the purpose of raising by way of loan on the credit of the debentures of the said corporation, a sum not exceeding in the whole \$10,000, Power to borrow \$10,000 to aid pork-packing establishment.

at

at a rate of interest not exceeding five per cent. per annum, from any person or persons, body or bodies corporate, who may be willing to advance the same, for the purpose of aiding in the promotion of the said pork-packing business and the purchase of the necessary lands, plant and machinery to equip the same, the said industry to be established within the limits of said village or within one-half mile therefrom, which said aid may be granted and applied by way of loan or bonus to a joint stock company now or about to be organized for the purpose of carrying on the said pork-packing industry, and upon such terms and conditions as may be deemed advisable by the municipal council of the said corporation. Provided, however, that such by-law or by-laws shall, before being finally passed, be submitted to the votes of the electors entitled to vote upon by-laws creating debts not payable within a year from the creation thereof, and shall be approved by not less than two-thirds of the ratepayers qualified to vote on money by-laws under the provisions of *The Municipal Act*, and the provisions as to procedure and otherwise contained in *The Municipal Act* respecting by-laws creating debts, shall apply to such by-law or by-laws to be passed under the authority of this Act, as if expressly incorporated therewith.

Rev. Stat.  
c. 223.

Agreement  
with persons  
bonused.

2. The said municipal corporation shall be and is hereby authorized to enter into such agreement or agreements and to take such securities as the said municipal council may deem advisable for the due carrying out of the terms and conditions to be imposed by the said corporation upon the company (now or hereafter to be organized) who shall agree to establish and carry on the said pork-packing industry, and to whom such aid shall be granted.



## CHAPTER 90.

An Act to confirm By-Law No. 740 of the County of York.

*Assented to 1st April, 1899.*

WHEREAS by sub-section 9 of section 658 of "*The Preamble. Municipal Act*," the council of every county is given power to pass by-laws for the abandoning or otherwise disposing of toll roads owned by such county whether situated wholly within the county or partly within the county and partly within an adjoining county or counties; and whereas it is provided by the said sub-section that no such by-laws shall take effect until assented to by the local municipality or municipalities affected, or until the same shall have been approved by the Lieutenant-Governor in Council; and whereas the Corporation of the County of York by by-law No. 712 of the said corporation intituled, "A by-law to abandon the York Roads and transfer the same to the minor municipalities of the County of York," did abandon the said roads and transfer the same to the said minor municipalities; and whereas the said by-law was approved by the Lieutenant-Governor in Council, and the said roads are now under the control of the said minor municipalities in the said county; and whereas by by-law No. 728 of the said Corporation of the County of York intituled "A by-law to abandon part of the Kingston Road in the County of York and transfer the same to the City of Toronto," the said corporation did transfer to the City of Toronto that portion of the Kingston Road within the limits of the said city; and whereas the City of Toronto, has assented to the said by-law, and the said portion of the Kingston Road is now under the control of the said city; and whereas on the

5th day of February, 1897, the said Corporation of the County of York passed by-law No. 740 intituled "A by-law to abandon that portion of the Kingston Road within the Township of Pickering;" and whereas the corporation of the Township of Pickering has refused to assent to the said by-law, and the Lieutenant-Governor in Council has taken no action in respect of the same; and whereas the said Corporation of the County of York has by petition prayed that an Act may be passed to legalize and confirm the said by-law; and whereas subject to the provisions hereinafter contained it is expedient to grant the prayer of the said petition:

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

By-law No.  
740 confirmed.

1. Subject to the provisions of the following sections of this Act, the said by-law No. 740 of the corporation of the County of York intituled "A by-law to abandon that portion of the Kingston Road within the Township of Pickering" as set forth in Schedule A to this Act is hereby legalized, confirmed and declared to be valid and binding from the time of the passing of this Act.

Abandonment  
of road.

2. That portion of the said Kingston Road lying between the westerly boundary line of the Township of Pickering and a point distant one hundred feet west of the western extremity of the bridge over the River Rouge, and that portion of the said Kingston Road, lying between a point one hundred feet east of the easterly extremity of the said bridge over the River Rouge and the eastern extremity of that portion of the Kingston Road formerly owned by the Corporation of the County of York are hereby vested in and shall hereafter be maintained and kept in repair by the Corporation of the Township of Pickering as a public highway in the manner provided by *The Municipal Act*.

Rev. Stat.,  
c. 223.

Bridge vested  
in Municipal  
Corporation  
of Ontario.

3. The said bridge over the River Rouge and the approaches to the said bridge for one hundred feet from the easterly and westerly extremities thereof are hereby vested in and shall be maintained and kept in repair by The Municipal Corporation of the County of Ontario as provided by *The Municipal Act* in the case of county bridges and approaches thereto upon public highways.

Tolls abolish-  
ed.

4. No tolls shall hereafter be taken, levied or collected upon the said bridge or upon the other portions of the Kingston Road hereinbefore described.

Payment of  
\$1,500: as  
full compen-  
sation.

5. The Municipal Corporation of the County of York shall pay to The Municipal Corporation of the County of Ontario the sum of one thousand five hundred dollars, and upon such

payment

payment shall be relieved from all liability to the Corporation of the said County of Ontario or to the Corporation of the said Township of Pickering with respect to the said bridge and the said portions of the Kingston Road hereinbefore described.

---

## SCHEDULE A.

### BY-LAW No. 740.

To abandon that portion of the Kingston Road within the Township of Pickering.

Whereas the County of York have abandoned the whole of the York Roads, except that portion within the Township of Pickering ; be it therefore enacted by the municipal council of the corporation of the County of York :—

1st. That that portion of the Kingston Road extending easterly from the eastern boundary of the township of Scarboro into the Township of Pickering shall be and the same is hereby abandoned by the corporation of the County of York.

2nd. And the said portion of the said Kingston Road shall be and the same is hereby given to the municipal corporation of the Township of Pickering, and shall from henceforth be and become the property of the said municipality, and the corporation of the County of York hereby abandons to the said municipality all rights and ownership of the said corporation of the County of York in and to the same.

3rd. And that by-law No. 687 be and the same is hereby repealed.

J. D. DAVIDSON,  
Warden.  
GEORGE EAKIN,  
Clerk.

Passed February 5th, 1897.

---

## CHAPTER 91.

## An Act respecting the Township of York.

*Assented to 1st April, 1899.*

## Preamble.

WHEREAS, the Municipal Corporation of the Township of York have by their petition represented that they require special legislation conferring upon them special powers; and whereas, it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

58 Vic. cap. 94  
sec. 3 amended.

1. Section 3 of chapter 94 of the Acts passed in the 58th year of Her Majesty's reign, is hereby amended by adding at the end of the said section the words following, namely, "Provided that nothing in the Municipal or Assessment Acts, or any amending Act or Acts, shall be construed to prohibit or to have prohibited the said council from appointing as Assessment Commissioner for the said township the clerk thereof."

Rev. Stat.  
c. 224, s. 147,  
not to apply to  
Township of  
York.

2. The provisions contained in section 147 of *The Assessment Act* requiring the collector to forward a duplicate of the return to the clerk of the municipality, and that the clerk shall mail a notice to each person appearing on the roll with respect to whose lands taxes appear to be in arrear for that year, shall not apply to the township of York; but, in lieu thereof, the treasurer shall give the notice, by the said section required to be given by the clerk.



3. The Council of the Township of York may pass by-laws for the purposes mentioned in sub section 6 of section 540 and sub-section 9 of section 559 of *The Municipal Act*, and section 174 of *The Assessment Act*, as amended by 61 Victoria, chapter 25, section 3.

Power to pass by-laws under Rev. Stat. c. 223, s. 540, subs. 6, and Rev. Stat. c. 224, s. 174.

4. Section 3 of the Act passed in the 60th year of Her Majesty's reign, entitled, *An Act respecting the Township of York* and chaptered 84, is hereby repealed, and the following substituted therefor :

60 V., cap. 84, s. 3 repealed.

(3) The Corporation of the Township of York may, upon the request of the board of trustees of any school section in said municipality, with the consent of the holders of the debentures of any such section, pass a by-law for authorizing the issue of public school debentures of any such school section for a sum not exceeding the sum then owing for principal money to the holders of the debentures of any such section, for the purpose of redeeming the outstanding debentures of any such section, such new debentures to be payable in 30 or any less number of annual instalments in accordance with the provisions of section 386 of *The Municipal Act*.

Authority to issue new debentures to retire outstanding public school debentures, with consent of holders, payable in 30 years.

5.—(1) Notwithstanding anything contained in subsection 2 of section 435 of *The Municipal Act*, as amended by 61 Victoria, chapter 23, section 16, subsection 1, the amount borrowed and outstanding under the provisions of sub section 1 of section 435 of the said Act, shall not, in the case of the municipality of the Township of York, exceed 80 per cent. of the amount levied as taxes to pay the ordinary current expenditure of the municipality in the preceding municipal year.

To extend borrowing powers in anticipation of collection of taxes for the year.

(2) Subsection 2 of section 16 of chapter 23 of the Act passed in the 61st year of Her Majesty's reign, in so far as the same affects the Township of York, is repealed.

61 V., c. 23, s. 16, s.s. 2, repealed in so far as relates to the Township of York.

6. The treasurer of the County of York shall within a reasonable time after demand made upon him in writing, signed by the reeve and clerk of the Township of York, at the expense of the Township of York, to be fixed in the event of dispute by the official arbitrator hereinafter named, furnish the treasurer of the said township with a detailed statement shewing the various amounts collected by him in his capacity as county treasurer for arrears of taxes due against lands within the said township, for what years and against what lands the amounts so collected were due, the amounts paid over to the Township of York, the dates of such payment, and the general balance of account.

Arrears of taxes prior to 59 V., c. 58, County Treasurer to account.

7.—(1) The Corporation of the Township of York may, by by-law passed by the council of the said township, assume the unpaid debentures issued by the County of York upon the credit of the Non Resident Land Fund, and may by said

Township of York may assume outstanding debentures of

County of  
York, issued  
on credit of  
Non-resident  
Land Tax un-  
collected.

by-law authorize the reeve and clerk of the said township to execute a bond in favour of the treasurer of the County of York and of the said county, guaranteeing therein the due payment by the said township of the said debentures remaining unpaid at the time of the settlement of the accounts between the said township and the said county; and may by by-law provide for the issue and sale of debentures to pay the balance which may, on the adjustment of accounts between the said township and county, be found owing to the said county, and a portion of such debentures shall be made payable in each year for a period not exceeding eight years from the date of the issue thereof, and so that the aggregate amount payable for principal and interest in any one year shall be equal as nearly as may be to what is payable for the principal and interest in each of the other years of the period within which the debt is to be discharged; and the said county treasurer shall, immediately after the settlement and determination of the account between the said township and county and the receipt of the said bond, pay over to the said township all moneys collected by him for arrears of taxes due to the said township.

Assent of elec-  
tors not neces-  
sary.

(2) It shall not be necessary to obtain the assent of the electors to any by-law passed by the council of the township of York for the issue of debentures under this section, nor to observe the formalities in relation thereto prescribed by *The Municipal Act*.

Special audit  
of county  
books.

(3) In lieu of making the demand for the statement mentioned and provided for in section 6 of this Act the council of the Township of York may, by by-law, to be duly passed for that purpose appoint an auditor or auditors to make a special audit of the books and accounts of the County of York and of the treasurer of the said county, in so far as the same relate to the Township of York and the collection of the arrears of taxes and the sale of lands for arrears of taxes in the said township heretofore had, and the said county and the treasurer thereof shall upon ten days' notice to be given by the said auditor or auditors produce at the office of the said treasurer all books, books of account, accounts, papers, writings and documents relating to said matters and permit the said auditor or auditors to examine the same and afford the said auditor or auditors during office hours all proper facilities for the purpose of enabling him or them to make said audit; and the said township shall make due compensation to the said treasurer for any additional services which may be imposed upon him and for any costs and charges for extra assistance which he may be obliged to incur by reason of the said audit, the same to be fixed in the event of dispute by the official arbitrator hereinafter named.

Official arbi-  
trator to de-  
termine dis-  
putes.

8. Should any dispute or difference arise between the said township of York and county of York respecting any claim, matter or thing arising out of or consequent upon the with-  
drawal

drawal by the said township from the said county treasurer of the sale of lands for taxes and the adjustment of accounts between them, such dispute shall be settled by the Official Arbitrator appointed under the provisions of the Act, chapter 227 of the Revised Statutes of Ontario, 1897, who shall, for the purpose of determining every such dispute, claim or difference, have and exercise all the powers conferred upon him by the said Act, as if the said difference had been specially mentioned or provided for in the said Act.

Rev. Stat. 227

9. Should there be at the time of the adjustment of the accounts between the County of York and the Township of York under the last preceding section arrears of taxes due against any lands within the said township according to the statement furnished to the said county treasurer by the said township treasurer under the provision of section 157 of *The Assessment Act* which have not been collected, and the lands against which the same are due have not for any reason been offered for sale by the said treasurer, the said county treasurer shall furnish a list of all such lands to the said township treasurer, and the said lands may be offered for sale by the said township treasurer, and no such sale by the said township treasurer shall be deemed invalid by reason of any mistake, default or omission (if any) of the said county treasurer theretofore made.

County treasurer to furnish township treasurer with schedule of lands.

10. The fund known as the school fund moneys, being composed of moneys received by the Township of York from the sale of clergy reserve lands and moneys received under the provisions of the Act passed in the 36th year of Her Majesty's reign entitled *An Act respecting the Municipal Loan Fund Debts and respecting certain payments to Municipalities*, chapter 47, and amendments thereto contained in 38 Victoria, chapter 29, and which have, by by-law of the said township under the provisions of the said Act, been set apart for school purposes, may be appropriated or set apart, by by-law passed by the council of the said township, for school purposes within the purview of the said Act, or for the payment of any school debenture debts due by the said township or by any school section.

Township of York may apply school fund moneys to other purposes.

11. The said Township of York may enter into an agreement with the Town of Toronto Junction providing for the transfer to the Township of York of that part of Dundas Street lying west of the limits of the said town upon such terms as may be agreed upon between the Township of York and the said Town of Toronto Junction, and the said township and town respectively are hereby authorized and empowered to enter into such agreement.

Authority to enter into agreement for the transfer of Dundas street.

## CHAPTER 92.

## An Act to incorporate The Algoma Central Railway Company.

*Assented to 1st April, 1899.*

## Preamble.

WHEREAS Edward V. Douglas, Frank S. Lewis, and Walter P. Douglas, all of the City of Philadelphia, in the State of Pennsylvania, one of the United States of America; Francis H. Clergue, Bertrand J. Clergue and Henry C. Hamilton, all of the Town of Sault Ste. Marie, in the District of Algoma, have by their petition prayed for an Act of incorporation under the name of "The Algoma Central Railway Company" for the purpose of constructing, maintaining and operating a railway from a point at or near the Town of Sault Ste. Marie, in the District of Algoma, on the St. Mary River, to a point on or near the Michipicoten River, and thence northerly to the main line of the Canadian Pacific Railway, and southerly to Michipicoten Harbor upon Lake Superior; and it has been represented that the line of the railway of the company so to be incorporated will, for the most part, be constructed in the unorganized part of the Province; and it is proposed to operate the same by steam or electricity; and whereas, owing to the location of the line of the said railway, the provisions of *The Electric Railway Act* are not applicable to the company so to be incorporated, and the said petitioners have prayed that there may be conferred upon them the powers ordinarily given upon the incorporation of a railway to be operated by steam; and whereas for the reasons aforesaid the circumstances of the said proposed line of railway are exceptional; and whereas it is expedient to grant the prayer of the said petition.

Therefore,



Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Francis H. Clergue, Edward V. Douglas, Frank S. Lewis, Walter P. Douglas, Bertrand J. Clergue and Henry C. Hamilton, and such other persons and corporations as shall hereafter become shareholders in the said company are hereby constituted a body corporate and politic under the name of "The Algoma Central Railway Company," hereinafter called "the company."

Incorporation.

2. The company is hereby authorized and empowered to survey, lay out, construct, complete, equip and maintain a railway to be operated by steam or electricity, with double or single iron or steel tracks, from a point at or near the Town of Sault Ste. Marie, in the District of Algoma, on the St. Mary River, to a point on or near the Michipicoten River, and thence northerly to the main line of the Canadian Pacific Railway, and southerly to Michipicoten Harbour upon Lake Superior, and to construct branch railways, none of which are to exceed twelve miles in length, and to exercise all the powers, rights and privileges required therefor in as full and ample a manner as for the railway; and the said railways, or any part thereof, so far as the same may be operated by electricity, may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to the restrictions and provisions therein and in this Act contained, and under and subject to any agreements between the company and the councils of any of the said corporations, and between the company and the road companies (if any) interested in such highways; and the company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions and conditions contained in this Act and in *The Municipal Act*.

Location of line.

3. The gauge of the said railway shall be four feet eight and one-half inches.

Rev. Stat., c. 223.

Gauge.

4. The said Francis H. Clergue, Edward V. Douglas, Frank S. Lewis, Walter P. Douglas, Bertrand J. Clergue and Henry C. Hamilton, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the company, of whom a majority shall be a quorum, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

Provisional directors.

5. The said board of provisional directors shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking, and to allot the stock and to receive payments on account of stock subscribed, and to make calls upon

Powers of provisional directors.

Rev. Stat.  
c. 207.

upon subscribers in respect to their stock, and to sue for and recover the same; and to cause plans and surveys to be made, and to receive for the company any grant, loan, bonus or gift made to it, or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as, under *The Railway Act of Ontario*, are vested in ordinary directors. The said directors, or a majority of them, or the board of directors to be elected as hereinafter mentioned, may, in their discretion, exclude any one from subscribing for stock who, in their judgment, would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act, and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors, or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers if, in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the Town of Saulte Ste Marie in the District of Algoma, or at such other place as may best suit the interest of the company.

Conveyance of  
land to com-  
pany.

6. Conveyances of lands to the company for the purposes of and powers given by this Act, made in the form set forth in Schedule A., hereunder written, or to the like effect, shall be sufficient conveyance to the company, their successors and assigns, of the estate or interest therein mentioned and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in the same manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Subscriptions  
for stock when  
binding.

7. No subscription for stock in the capital of the company shall be binding on the company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Aid to rail-  
way.

8. The company may receive from any government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway by way of gift, bonus or loan of money or debentures or other securities for money, or by way of guarantee upon such terms and conditions as may be agreed upon.

9. The capital stock of the company hereby incorporated shall be \$3,000,000 (with power to increase the same in the manner provided by *The Railway Act of Ontario*), to be divided into 30,000 shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in the company, and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements of, and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway, and to the other purposes of this Act.

10. When and as soon as shares to the amount of \$100,000 of capital stock in the company shall have been subscribed and ten per centum paid thereon into some chartered bank of the Dominion, having an office in the Province of Ontario, to the credit of the company and which shall on no account be withdrawn therefrom unless for the services of the company, the said provisional directors or a majority of them shall call a general meeting of the shareholders for the purpose of electing directors of the company, giving at least four weeks' notice of such meeting by advertisement in *The Ontario Gazette* and in at least one newspaper published in the said Town of Sault Ste Marie of the time, place and purpose of the said meeting.

11. At such general meeting the shareholders present either in person or by proxy, who shall at the opening of such meeting have paid up ten per centum on the stock subscribed by them, shall elect not less than five and not more than twelve persons to be directors of the company in manner and qualified as hereinafter mentioned, who shall constitute a board of directors and shall hold office until the next general annual meeting, and a majority of the directors shall form a quorum of the board, and may pass such rules, regulations and by-laws as may be deemed expedient and are not inconsistent with this Act and *The Railway Act of Ontario*; and the said board may employ and pay one of their number as managing director.

12. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the company and unless he has paid up all calls thereon.

13. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railway is to pass, together with the map or plan thereof, and of their course and direction, and of the lands intended to be passed over and taken therefor so far as then ascertained, and also the book of reference for the railway, and

to



Rev. Stat.  
c. 207.

to deposit the same as required by the clauses of *The Railway Act of Ontario* and the amendments thereto with respect to plans and surveys, by sections or portions less than the length of the whole railway authorized, of such length as the company may from time to time see fit so that no one of such sections or portions shall be less than ten miles in length; and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the said Railway Act and the amendments thereof applied to, included in or incorporated with this Act shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of their whole course and direction, and of the lands intended to be passed over and taken, and the book of reference of the whole of said railways had been taken, made examined, certified and deposited according to the said clauses of the said Railway Act and the amendments thereof with respect to "plans and surveys."

Rights of  
aliens,

**14.** Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible for office as directors in the company.

Calls on stock.

**15.** The directors may from time to time, make calls as they shall think fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call, as hereinafter provided in section 17 of this Act.

Payments in  
stocks or  
bonds.

**16.** The provisional directors or the elected directors may pay or agree to pay in paid up stock or in the bonds of the company, such sums as they may deem expedient to engineers or contractors, or for right of way, or material, plant or rolling stock, and also when sanctioned by a vote of the shareholders at any general meeting for the services of the promoters or other persons who may be employed by the directors in furthering the undertaking, or for the purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company.

Head office,  
general annual  
meeting.

**17.** The head office of the company shall be at the said Town of Sault Ste. Marie, and the general annual meeting of the shareholders of the company shall be held in such place in the said Town of Sault Ste. Marie on such days and at such

hours



hours as may be directed by the by-laws of the company ; and public notice thereof shall be given at least four weeks previously in *The Ontario Gazette* and once a week in one newspaper published in the said Town of Sault Ste. Marie during the four weeks immediately preceding the week in which such meeting is to take place.

18. Special general meetings of the shareholders of the company may be held at such places and at such times and in such manner and for such purposes as may be provided by the by laws of the company, upon such notice as is provided in the last preceding section. Special general meetings.

19. At all meetings of the company the shareholders thereof may vote by proxy, and the proxy may be appointed in such manner and by such means as the by-laws of the company may provide, but no person shall be qualified to be so appointed who is not himself a shareholder in the company. Proxies.

20. The directors of the company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of \$20,000 for each mile of the said railway and branches and the provisions of sub-sections 19, 20, 21, 22 and 23 of section 9 of *The Railway Act of Ontario* shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to, and in conformity with the provisions of the said subsections. Issue of bonds.  
Rev. Stat. c. 207.

21. All such bonds, debentures and other securities and coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, and any holder of any such securities so made payable to bearer, may sue at law thereon in his own name. Bonds, etc., how payable.  
Transfer of bonds.

22. The company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than \$100, and any such promissory note or bill of exchange made, accepted or endorsed by the president or vice-president of the company, and countersigned by the secretary or treasurer, as may be provided by the by-laws of the company, which by-laws shall be submitted for approval by the Lieutenant-Governor in Council, shall be binding on the company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president, vice-president or the secretary or treasurer be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority Negotiable instruments

authority of the directors as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the said company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Mortgaging or  
pledging  
bonds.

**23.** The company may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled, under the powers of this Act, to issue for the construction of the said railway.

Agreements  
with other  
companies for  
leasing or  
hiring rolling  
stock.

**24.** It shall be lawful for the directors of the company to enter into an agreement or agreements with any other company or companies, if lawfully authorized to enter into such agreements, or with any person or persons, for leasing, hiring, or use of any locomotives, carriages, rolling stock and other movable property from such companies or persons for such time or times and on such terms as may be agreed on; and also to enter into agreements with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies of the locomotives, carriages, rolling stock and other moveable property of the other or others of them on such terms as to compensation and otherwise as may be agreed on.

Telegraph and  
telephone  
lines.

**25.** The company may also construct an electric telegraph line and a telephone line throughout and along the whole line of their railway and the branches thereof, or any part of the said railway or branches, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies* being chapter 192 of the Revised Statutes of Ontario, 1897, are hereby conferred upon the company; provided that no poles shall be erected in the construction of either of the said lines in or through any city, town or incorporated village without the consent of the council of such city, town or village being first obtained by the company; and the company may undertake the transmission of messages for the public by such line or lines of telegraph or telephone and collect tolls for so doing.

Aid from  
municipalities

**26.** Any municipality, or any portion of a township municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which the railway or works of the company shall pass or be situate may aid the company, by giving money or debentures, by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions herein-after contained; provided always that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of the municipality (as the case may be

be) in accordance with and as provided by law in respect to granting aid, by way of bonuses to railways.

**27.** Such by-law shall be submitted by the municipal council, to the vote of the ratepayers, in manner following, namely: Submitting bonus by-laws

(1) The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount; and the council shall within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same to the approval of the qualified voters.

(2) In the case of a county municipality, the petition shall be that of a majority of the members of the county council or of fifty resident freeholders, in each of the minor municipalities of the county, who are qualified voters under *The Municipal Act* and the amendments thereto.

(3) In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters under *The Municipal Act*, and amendments thereto as aforesaid.

(4) In the case of a section of a township municipality, the petition is to be presented to the council, defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

**28.** Such by-law shall in each instance provide:

By-law what to contain.

(1) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be), mentioned in the petition, by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law.

(2) For assessing and levying upon all rateable property lying within the municipality or portion of the township municipality defined in said by-law (as the case may be), an annual special rate, sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof, are hereby authorized to execute and issue in such cases respectively.

**29.** Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the municipality, a sum sufficient to pay the expenses to be incurred in submitting said by-law. Deposit to be made before by-law is submitted.



Council to pass by-law if assented to by ratepayers.

**30.** In case the by-law submitted be approved of and carried, in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting, the municipal council which submitted the same shall read the said by-law a third time and pass the same.

Issue of debentures.

**31.** Within one month after the passing of such by-law the said council and the mayor, warden, reeve or other head, or other officers thereof, shall issue or dispose of the debentures provided for by the by-law, and deliver the same, duly executed, to the trustees appointed, or to be appointed, under this Act.

Levying rates on portion of municipality.

**32.** In case any such loan, guarantee or bonus be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of such municipality.

Application of provisions of Rev. Stat. c. 223.

**33.** The provisions of *The Municipal Act* and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality, to the same extent as if the same had been passed by or for the whole municipality.

Councils may extend the time for commencement.

**34.** The councils for all corporations that may grant aid by way of bonus to the company may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid, from time to time; provided that no such extension shall be for a longer period than one year.

Councils may extend the time for completion.

**35.** It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the company, by resolution or by-law, to extend the time for the completion of the works (on the completion of which the said company would be entitled to such bonus), from time to time, provided that no such extension shall be for a longer period than one year at a time.

Extent of aid from municipalities.

**36.** Any municipality, or portion of a township municipality interested in the construction of the railway of the company, may grant aid by way of bonus to the company towards the construction of such railway, notwithstanding that such aid may increase the municipal taxation of such municipality, or portion thereof, beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes exclusive of school rates, than three cents in the dollar upon the value of the rateable property therein.

By-laws granting exemption from taxation.

**37.** It shall be lawful for the corporation of any municipality through any part of which the railway of the company passes,



passes, or in which it is situate, by by-law especially passed for that purpose, to exempt the company and its property within such municipality, either in whole or in part from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise in gross, by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

**38.** Any municipality through which the said railway may pass or is situate is empowered to grant by way of gift to the company any lands belonging to such municipality, or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any Government or any person or body corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the company. Gifts of lands

**39.** Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall within six months after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable of acting, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council. Issue of debentures.

**40.** The said trustees shall receive the said debentures or bonds in trust, firstly, under the directions of the company, but subject to the conditions of the by-laws in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having Trusts of proceeds of debentures.

an

an office in the Province of Ontario in the name of "The Algoma Central Railway, Municipal Trust Account," and to pay the same out to the company from time to time as the company becomes entitled thereto, under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said railway for the time being, in the form set out in Schedule B, hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of \$500, recoverable in any court of competent jurisdiction by any person who may sue therefor.

Fees to  
trustees.

**41.** The trustees shall be entitled to their reasonable fees and charges from the said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Power to  
purchase  
whole lots.

**42.** Whenever it shall be necessary for the purpose of procuring sufficient land for stations, or gravel pits, or for constructing, maintaining and using the said railway, and in case, by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same, or any part thereof, from time to time as they may deem expedient; but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Rev. Stat.  
c. 207.

Acquiring  
material for  
construct

**43.** When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause an Ontario Land Surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of compensation, shall have the same effect as in case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario*, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom land may be taken, or who may sell, shall apply to the subject matter of this section, as to the obtaining materials as aforesaid; and such proceedings may be had by the company either for the right to the fee simple in the land from which said materials shall be taken

taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

44.—(1) When said gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publications of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

Sidings to gravel pits.

Rev. Stat. c. 207.

(2) When estimating the damages for the taking of gravel stone, earth or sand, subsection 9 of section 20 of *The Railway Act of Ontario* shall not apply.

Rev. Stat. c. 207.

45. The company shall have power and authority—

General powers.

(1) To purchase land for and erect power-houses, warehouses, elevators, docks, stations, workshops, machine shops, foundries and offices and to sell and convey such land as may be found superfluous for any such purpose, and the company shall have power to build, own, operate and hold as part of the property of the said company as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railway;

Warehouses, docks, etc.

(2) To erect and maintain all necessary and convenient buildings, stations, depots, wharves and fixtures, and from time to time to alter, repair or enlarge the same, and to build, purchase and acquire motors, engines, carriages, waggons and other machinery and contrivances necessary or convenient for the working of the railway and the accommodation and use of the passengers, freight and business of the railway;

Erect necessary buildings, wharves, etc.

(3) To construct, maintain and operate works for the production of electricity for the motive power of the said railway, and for the lighting and heating the rolling stock and other property of the company;

Powers for production and use of electricity.

(4) To sell or lease any such electricity not required for the purposes aforesaid to any person or corporation, and the com-

Lease or sell electricity not required for railway.

pany



Rev. Stat.  
c. 270.

pany in that behalf shall, subject to the provisions and restrictions of this Act, possess the powers, rights and privileges, and be subject to all the obligations and restrictions of joint stock companies incorporated under *The Act respecting Companies for supplying Steam, Heat, Electricity or Natural Gas for Heat, Light or Power*, and to acquire and hold any property necessary for the purposes mentioned in this sub-section ;

Acquiring  
rights for con-  
veying elec-  
tricity.

(5) To purchase the right to convey electricity required for the working of the railway and lighting or heating the same over through or under lands other than the lands of the said railway, and with the consent of the councils of the municipalities affected, to purchase the right to lay conduits under, or erect poles and wires on or over such lands as may be determined by the company, and along and upon any of the public highways, or across any of the waters in this Province by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the cords or wires of such lines, or the conduits for such electricity, upon and subject to such agreement in respect thereof as shall first be made between the company and any private owners of the land affected, and between the company and any municipality in which such works or any part thereof or of the railway may be situate, and under and subject to any by-law or by-laws of the council of such municipality passed in pursuance thereof.

Construction  
on streets, etc.

**46.**—(1) The railway of the company shall not be constructed or operated on upon or along any street, highway or public place of any municipality until first authorized by an agreement in respect thereto made between the company and such municipality, and under and subject to the terms of such agreement and of this Act and of any by-law or by-laws of the council of said municipality to be passed in pursuance thereof ; and in all such cases any and every work, matter or thing in connection with electricity or other motor power, and the application and using thereof in so constructing, operating and working such railway, or the cars, carriages, engines, motors or machines aforesaid shall be so constructed, erected, laid down and arranged as to impede or incommode the public use of such street, highway or public place as little as possible, and so as not to be a nuisance thereto nor to interfere with the free access to any house or other building erected in the vicinity of the same, and the electric and other appliances shall be of such an improved manufacture and so placed as to avoid so far as possible any danger to buildings or other property, and provided that none of the works or property of the company shall be so constructed or placed as to injuriously interrupt navigation in any navigable water.



(2) The by-laws mentioned in section 2, subsection 5, of the preceding section, and in this section, shall be subject to the conditions and provisions of section 632 of *The Municipal Act*. Rev. Stat. c. 223.

47. The company shall have the right on and after the first day of November in each year to enter into and upon any lands of Her Majesty, or into and upon any lands of any corporation or persons whatsoever, lying along the route or line of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be hereafter established in the manner provided by law in respect of such railway, to have been actually suffered, provided always that any such snow fences so erected shall be removed on or before the first day of April next following. Power to erect snow fences.

48. The company is authorized and empowered to make necessary arrangements to contract and agree with the Canadian Pacific Railway Company, the Grand Trunk Railway Company of Canada and the Ontario, Hudson's Bay and Western Railways Company, formerly the Sault Ste Marie and Hudson's Bay Railway Company, if lawfully authorized to enter into such arrangements for amalgamation with any or either of them, provided that the terms of such amalgamation are approved of by two-thirds in value of the shareholders, voting either in person or represented by proxy at a special general meeting to be called for that purpose in accordance with this Act. Amalgamation with other companies.

49. The company shall have power to agree for connections and make running arrangements with the Canadian Pacific Railway Company, the Grand Trunk Railway Company, and the Ontario, Hudson's Bay and Western Railways Company, formerly the Sault Ste Marie and Hudson's Bay Railway Company, if lawfully empowered to enter into such agreements, upon terms to be approved by two-thirds in value of the shareholders at a special general meeting to be held for that purpose, and it shall also be lawful for the said company to enter into an agreement with any or either of the said railway companies, if lawfully authorized to enter into such an agreement, for the sale or leasing or hiring of the whole or any portion of the railway herein authorized or the use thereof or for the sale or lease or hiring any locomotives, tenders, plant or rolling stock or other property or of any part thereof or touching any service to be rendered by the one company to the other and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing or entering into such an agreement. Arrangements with other companies.

agreement for using the said railway, may and are hereby authorized to work the said railway and in the same manner as if incorporated with their own line; but nothing in this or the preceding section shall be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

Transfer of shares.

**50.** Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

Payment of back charges on goods.

**51.** The company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Incorporation of provisions of Rev. Stat. c. 207.

**52.** The provisions of *The Electric Railway Act* shall not apply to the company hereby incorporated but the several clauses of *The Railway Act of Ontario*, and of every Act in amendment thereof shall be incorporated with, and be deemed to be part of this Act, and shall apply to the said company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act and of every Act in amendment thereof so incorporated with this Act.

Commencement and completion of line.

**53.** The railway hereby authorized shall be commenced within three years and finished and put in operation within six years after the passing of this Act, and in default thereof the powers hereby conferred shall absolutely cease with respect to so much of the railway as then remains incomplete.

## SCHEDULE A.

(Section 6.)

Know all men by these presents that I (or we) (*insert the name or names of the vendor or vendors*) in consideration of

dollars paid to me (or us) by The Algoma Central Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) (*insert the name or names of any other party or parties*) in consideration of

dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels *as the case may be*) of land (*describe the land*) the same having been selected and laid out by the said company for the purposes of its railway, to hold with the appurtenances unto the said The Algoma Central Railway Company, their successors and assigns forever (*here insert any other clauses, covenants and conditions required*), and I (or we) the wife (or wives) of the said do hereby bar my (or our) dower in the said lands.

As WITNESS my (or our) hand and seal (or hands and seals) this day of \_\_\_\_\_, one thousand, eight hundred and ninety-

Signed, sealed and delivered  
in the presence of

}

(L. S.,)

## SCHEDULE B.

(Section 40.)

## CHIEF ENGINEER'S CERTIFICATE.

The Algoma Central Railway Company's Office

No.

A.D. 18 .

## ENGINEER'S DEPARTMENT.

Certificates to be attached to cheques drawn on The Algoma Central Railway Company Municipal Trust Account given under section \_\_\_\_\_, chapter \_\_\_\_\_, of the Acts of the Legislature of Ontario, passed in the sixty-second year of Her Majesty's reign.

I, \_\_\_\_\_ chief engineer of  
The Algoma Central Railway Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. \_\_\_\_\_ of the township of \_\_\_\_\_ (or under the agreement dated the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_, between the corporation of \_\_\_\_\_ and the said company) to entitle the said company to receive from the said trust the sum of \_\_\_\_\_ (*here set out the terms and conditions, if any, which have been fulfilled*).

## CHAPTER 93.

## An Act to incorporate the Bruce Mines and Algoma Railway Company.

*Assented to 1st April, 1899.*

## Preamble.

WHEREAS Arthur Smyth Burrows of the town of Sault Ste. Marie, in the District of Algoma, Mining Capitalist, Mayer Wile, of the City of Buffalo, in the State of New York, one of the United States of America, Wholesale Merchant, Bryon Goodsell Coryell, of the Village of Chesaning, in the State of Michigan, one of the United States of America, Banker, Lawson Caryl Holden, of the City of Sault Ste. Marie, in the State of Michigan, one of the United States of America, Attorney-at-law, Bryon Woodward Goodsell, of the City of Chicago, in the State of Illinois, one of the United States of America, Manufacturer, and John McKay, of the Town of Sault Ste. Marie, in the District of Algoma, and Province of Ontario, Barrister-at-law, have by their petition prayed for the incorporation of a company under the name of "The Bruce Mines and Algoma Railway Company" for the purpose of constructing, equipping and operating a steam railway from a point in or near the Village of Bruce Mines in the District of Algoma, thence across the Algoma branch of the Canadian Pacific Railway to the Rock Lake Copper Mines in the Townships of Plummer and Coffin in the District of Algoma, thence northerly a distance of thirty miles passing through the Townships of McMahon and Gillmor; and it has been represented that the line of the railway of the company so to be incorporated will, for the most part, be constructed in the unorganized part of the Province; and it is proposed to operate the same by steam or electricity; and whereas owing to the location of the line of the said railway, the provisions of *The Electric Railway Act* are



are not applicable to the company so to be incorporated, and the said petitioners have prayed that there may be conferred upon them the powers ordinarily given upon the incorporation of a railway to be operated by steam; and whereas for the reasons aforesaid the circumstances of the said proposed line of railway are exceptional; and whereas it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Arthur Smyth Burrows, Mayer Wile, Bryon Goodsell Coryell, Lawson C. Holden, Bryon Woodward Goodsell, and John McKay, together with such other persons and corporations as shall, in pursuance of this Act, become shareholders in the company hereby incorporated shall be and are hereby constituted a body corporate and politic by and under the name of "The Bruce Mines and Algoma Railway Company," hereinafter called "the company." Incorporation

2. The head office of the company shall be in the town of Sault Ste. Marie, in the District of Algoma, in the Province of Ontario. Head office

3. The company shall have full power and authority to lay out, construct, equip and operate by steam or electricity a railway of the gauge of four feet eight and one-half inches, from a point in or near the village of Bruce Mines, in the District of Algoma, thence across the Algoma branch of the Canadian Pacific Railway to the Rock Lake copper mines in the Townships of Plummer and Coffin, in the District of Algoma, thence northerly a distance of thirty miles, passing through the Townships of McMahon and Gillmor, with full power to pass over any portion of the country between the points aforesaid; and the said railway, or any part thereof, so far as the same may be operated by electricity, may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to the restrictions and provisions therein and in this Act contained, and under and subject to any agreements between the company and the councils of any of the said corporations, and between the company and the road companies (if any) interested in such highways; and the company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions and conditions contained in this Act and in *The Municipal Act*. Location of line.  
Rev. Stat. c. 223.

4. The company is hereby authorized and empowered to take and make the surveys and levels of the land through which Authority to make surveys.

Rev. Stat.  
c. 207.

which the said railway is to pass, together with the map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also the book of reference for the railway, and to deposit the same as required by the clauses of *The Railway Act of Ontario* and amendments thereto with respect to "plans and surveys," by sections or portions less than the length of the whole railway authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than three miles in length, and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the said *Railway Act*, and the amendments thereof applied to, included in, or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of its whole course and direction and of the lands intended to be passed over, and taken, and the book of reference for the whole of said railway had been taken, made, examined, certified and deposited according to the said clauses of the said *Railway Act* and the amendments thereof with respect to "plans and surveys."

Authority to  
receive gifts.

5. The company may receive from any Government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway, by way of gift, bonus, or loan of money or debentures or other securities for money, or by way of guarantee upon such terms and conditions as may be agreed upon.

Payment in  
stock.

6. The provisional directors or elected directors may pay, or agree to pay in cash, or stock or in the bonds of the said company such sums as they may deem expedient to engineers or contractors or for right of way or material, plant or rolling stock, and also, when sanctioned by a vote of the shareholders at any general meeting for the services of the promoters or other persons who may be employed by the directors in furthering the undertaking or for the purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company.

Authority to  
municipalities  
to make gifts.

7. Any municipality through which the said railway may pass, or is situated, is empowered to grant by way of gift to the company, any lands belonging to such municipality, or over which it may have control which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway; and the company

company shall have power to accept gifts of land from any government, or any person or body corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the company.

8. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause an Ontario land surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and tender of the compensation, shall have the same effect as in the case of arbitration for the roadway; and all provisions of *The Railway Act of Ontario*, and of this Act as to the service of the said notice, arbitration, compensation, deeds, payment of money into Court, the right to sell, the right to convey, and the parties from whom the lands may be taken, or who may sell, shall apply to the subject matter of this section, as to the obtaining materials as aforesaid; and such proceedings may be had by the said company either for the right to the fee simple in the land from which said material shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Stone, gravel,  
etc.!

Rev. Stat.  
c. 207.

9.—(1) When said gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any land which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be, and all the provisions of *The Railway Act of Ontario*, and of this Act, except such as relate to filing plans, and publication of notice shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated, and such rights may be so acquired for a term of years or permanently, as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects, after the railway is constructed, for the purposes of repairing or maintaining said railway.

Sidings.

Rev. Stat.  
c. 207.

(2) When estimating the damages for the taking of gravel, sand, stone or earth, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply.

Rev. Stat.  
c. 207.

10. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, or for constructing, maintaining and using said railway, and in case by purchasing the whole of any lot or parcel of land over which

Purchase of  
whole lots



which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, use, hold and enjoy such lands and also the right of way thereto if the same be separated from their railway, and sell and convey the same or any part thereof from time to time as they may deem expedient, but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Rev. Stat.  
c. 207.

Provisional  
Directors.

**11.** The persons named in section 1 of this Act, with power to add to their number, shall be, and are hereby constituted a board of provisional directors of the company, of whom a majority shall be a quorum, and shall hold office as such until the first election of directors under this Act.

Powers of  
provisional  
directors.

**12.** The said board of provisional directors shall have power forthwith to open stock-books and procure subscriptions of stock for the undertaking, and to allot the stock, and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect to their stock, and to sue for and recover the same; and to cause plans and surveys to be made, and to receive for the company any grant, loan, bonus or gift made to it or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as, under *The Railway Act of Ontario*, are vested in ordinary directors. The said directors or a majority of them, or the board of directors to be elected as hereinafter mentioned may, in their discretion exclude any one from subscribing for stock, who in their judgment, would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors, or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation, the said directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the town of Sault Ste Marie, or at such other place as may best suit the interest of the said company.

Rev. Stat.  
c. 207.

Capital stock.

**13.** The capital stock of the company hereby incorporated shall be \$300,000 (with power to increase the same in the manner provided by *The Railway Act of Ontario*) to be divided into 3,000 shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in such company; and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and for making



making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway, and to the other purposes of this Act.

14. When, and as soon as shares to the amount of \$30,000 in the capital stock of the company shall have been subscribed, and ten per centum paid thereon, into some chartered bank of the Dominion having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the provisional directors, or a majority of them present, at a meeting duly called for the purpose, shall call a general meeting of the shareholders for the purpose of electing directors of the said company, giving at least four weeks' notice by advertisement in the *Ontario Gazette* and in one or more newspapers published in the said Town of Sault Ste. Marie, of the time, place and purpose of said meeting. First general meeting.

15. At such general meeting the shareholders present either in person or by proxy, who shall at the opening of such meeting have paid up ten per centum on the stock subscribed by them, shall elect not less than five and not more than nine persons to be directors of the company in manner and qualified as hereinafter mentioned, who shall constitute a board of directors and shall hold office until the next general annual meeting, and a majority of the directors shall form a quorum of the board, and may pass such rules, regulations and by-laws as may be deemed expedient and are not inconsistent with this Act and *The Railway Act of Ontario*; and the said board may employ and pay one of their number as managing director. Number of directors and quorum.  
  
Rev. Stat., c. 207.

16. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the said company, and unless he has paid up all calls thereon; Qualification.

17. Thereafter the general annual meeting of the shareholders of the company shall be held in such place in the said Town of Sault Ste. Marie, or in such other place, and on such days, and at such hours as may be directed by the by-laws of the company; and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in one newspaper published in the said Town of Sault Ste. Marie during the four weeks immediately preceding the week in which such meeting is to be held. General meetings.

18. Special general meetings of the shareholders of the company may be held at such place, and at such times, and in such manner and for such purposes as may be provided by the Special meetings.

by-laws of the company, and upon such notice as is provided in the last preceding section.

**Calls.**

**19.** The directors may, from time to time, make calls as they may think fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call, as provided in section 17 of this Act.

**Aliens.**

**20.** Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the company.

**Authority to  
issue bonds.**

**21.** The directors of the company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of \$15,000 for each mile of the said railway, and the provisions of sub-sections 19, 20, 21, 22 and 23 of Section 9 of *The Railway Act of Ontario* shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to, and in conformity with the provisions of the said sub-sections.

**Rev. Stat.  
c. 207.**

**Pledge bonds.**

**22.** The company may from time to time for advances of money to be made thereon, mortgage or pledge any bonds, which they may be enabled, under the powers of this Act, to issue for the construction of the said railway.

**Transfer of  
stocks.**

**23.** Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

**Negotiable  
instruments.**

**24.** The company shall have power and authority to become parties to promissory notes and bills of exchange, for sums not less than \$100, and any such promissory note or bill of exchange made, accepted or endorsed, by the president or vice-president of the company, and countersigned by the secretary of the company, and under the authority of a quorum of the directors, shall be binding on the company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown; and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the president, vice-president or the secretary be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued  
without

without the sanction and authority of the directors as herein provided and enacted; provided however, that nothing in this section shall be construed to authorize the company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank.

**25. The company shall have power and authority—**

General powers.

(1) To purchase land for and erect power-houses, ware-houses, elevators, docks, stations, workshops, machine-shops, foundries and offices, and to sell and convey such land as may be found superfluous for any such purpose, and the company shall have power to build, own, operate and hold, as part of the property of the said company, as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railway;

Warehouses, docks, etc.

(2) To erect and maintain all necessary and convenient buildings, stations, depots, wharves and fixtures, and from time to time to alter, repair or enlarge the same and to build, purchase and acquire motors, engines, carriages, waggons and other machinery and contrivances necessary or convenient for the working of the railway and the accommodation and use of the passengers, freight and business of the railway;

Erect necessary buildings, wharfs, etc.

(3) To construct, maintain and operate works for the production of electricity for the motive power of the said railways, and for the lighting and heating the rolling stock and other property of the company;

Powers as to production and use of electricity.

(4) To sell or lease any such electricity not required for the purposes aforesaid to any person or corporation, and the company in that behalf shall, subject to the provisions and restrictions of this Act, possess the powers, rights and privileges and be subject to all the obligations and restrictions of joint stock companies incorporated under *The Act respecting Companies for supplying Steam, Heat, Electricity, or Natural Gas for Heat, Light or Power*, and to acquire and hold any property necessary for the purposes mentioned in this subsection;

Lease or sell electricity not required for railway.

Rev. Stat. c. 209.

(5) To purchase the right to convey electricity required for the working of the railway and lighting or heating the same over, through or under lands other than the lands of the said railway, and with the consent of the councils of the municipalities affected, to purchase the right to lay conduits under, or erect poles and wires on or over such lands as may be determined by the company, and along and upon any of the public highways, or across any of the waters in this Province by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the cords or wires of such lines, or

Acquiring rights for conveying electricity.

the



the conduits for such electricity, upon and subject to such agreement in respect thereof as shall first be made between the company and any private owners of the land affected, and between the company and any municipality in which such works or any part thereof or of the railway may be situate, and under and subject to any by-law or by-laws of the council of such municipality passed in pursuance thereof.

Construction  
on streets, etc.

**26.**—(1) The railway of the company shall not be constructed or operated on, upon or along any street, highway or public place of any municipality until first authorized by an agreement in respect thereto made between the company and such municipality, and under and subject to the terms of such agreement and of this Act and of any by-law or by-laws of the council of said municipality to be passed in pursuance thereof; and in all such cases any and every work, matter or thing in connection with electricity or other motor power, and the application and using thereof in so constructing, operating and working such railway, or the cars, carriages, engines, motors or machines aforesaid shall be so constructed, erected, laid down and arranged as to impede or incommode the public use of such street, highway or public place as little as possible, and so as not to be a nuisance thereto, nor to interfere with the free access to any house or other building erected in the vicinity of the same, and the electric and other appliances shall be of such an improved manufacture and so placed as to avoid so far as possible any danger to buildings or other property, and provided that none of the works or property of the company shall be so constructed or placed as to injuriously interrupt navigation in any navigable water.

Rev. Stat.  
c. 223.

(2) The by-laws mentioned in section 3, subsection 5 of the preceding section and in this section shall be subject to the conditions and provisions of section 632 of *The Municipal Act*.

Power to  
amalgamate  
with certain  
railways.

**27.** The company is authorized and empowered to make necessary arrangements to contract and agree with the Canadian Pacific Railway Company and the Grand Trunk Railway Company of Canada, or either of them, if lawfully authorized to enter into such arrangements for amalgamation with any or either of them, provided that the terms of such amalgamation are approved of by two thirds in value of the shareholders, voting either in person or represented by proxy at a special general meeting to be called for that purpose in accordance with this Act.

Arrangements  
with other  
companies.

**28.** The company shall have power to agree for connections and making running arrangements with the Canadian Pacific Railway Company and the Grand Trunk Railway Company, of Canada, or either of them, if lawfully empowered to enter into such agreements, upon terms to be approved by two-thirds in value of the shareholders at a special general meeting to

be



be held for that purpose, and it shall also be lawful for the company to enter into an agreement with the said railway companies, or either of them, if lawfully authorized to enter into such an agreement, for the sale or leasing or hiring of the whole or any portion of the railway herein authorized or the use thereof or for the sale or leasing or hiring any locomotives, tenders, plant or rolling stock or other property of either or of both or of any part thereof or touching any service to be rendered by the one company to the other and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing or entering into such an agreement for using the said railway, may and are hereby authorized to work the said railway and in the same manner as if incorporated with their own line; but nothing in this or the preceding section shall be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

29. The company may also construct an electric telegraph line and a telephone line throughout and along the whole line of their railway, or any part of the said railway, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies* being chapter 192 of the Revised Statutes of Ontario, 1897, are hereby conferred upon the company; provided, that no poles shall be erected in the construction of either of the said lines in or through any city, town or incorporated village without the consent of the council of such city, town or village being first obtained by the company; and the company may undertake the transmission of messages for the public by such line or lines of telegraph or telephone and collect tolls for so doing.

Telegraph and  
telephone  
lines.

30. The company shall have the right on and after the first day of November in each year to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or persons whatsoever, lying along the route or line of the said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be hereafter established in the manner provided by law in respect of such railway to have been actually suffered; provided always that any such snow fences so erected shall be removed on or before the first day of April next following.

Snow fences.

31. Conveyances of land to the company for the purposes of and powers given by this Act, made in the form set forth in Schedule A hereunder written, or to the like effect, shall be sufficient

Form of  
conveyance.

sufficient conveyance to the company, their successors and assigns of the estate or interest therein mentioned, and sufficient bar of dower respectively, of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the Registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Incorporation  
of Rev. Stat.  
c. 207.

**32.** The provisions of *The Electric Railway Act* shall not apply to the company hereby incorporated, but the several clauses of *The Railway Act of Ontario*, and of every Act in amendment thereof, shall be incorporated with, and be deemed to be part of this Act, and shall apply to the company and the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof and the expression "this Act" when used herein shall be understood to include the clauses of the said Railway Act, and of every Act in amendment thereof so incorporated with this Act.

Commence-  
ment and  
completion.

**33.** The said railway shall be commenced within three years and completed within five years after the passing of this Act, and in default thereof the powers hereby conferred shall absolutely cease with respect to so much of the railway as then remains incomplete.

## SCHEDULE A.

(Section 31.)

Know all men by these presents that I (or we) (*insert the name or names of the vendor or vendors*) in consideration of dollars paid to me (or us) by The Bruce Mines and Algoma Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) (*insert the name or names of any other party or parties*) in consideration of dollars, paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (*or those certain parcels as the case may be*) of land (*describe the land*), the same having been selected and laid out by the said company for the purposes of their railway to hold, with the appurtenances unto the said The Bruce Mines and Algoma Railway Company, their successors and assigns forever (*here insert any other clauses, conditions and covenants required*) and I (or we) the wife (or wives) of the said do hereby bar my (or our) dower to the said lands.

As witness my (or our) hand and seal (*or hands and seals*) this day of 18

Signed, sealed and delivered in the presence of

[L.S.]

## CHAPTER 94.

An act to incorporate The Haliburton, Whitney and  
Mattawa Railway Company.*Assented to 1st April, 1899.*

**W**HEREAS the Honourable George A Cox, Senator, W. H. Brouse, C. J. Campbell, J. W. Flavelle, J. J. Gartshore, W. H. Lockhart Gordon, James Graham, John Hoskin, J. S. Lockie, H. Mooney, Eugene O'Keefe, and Elias Rogers have, by their petition, prayed for an Act of incorporation under the name of "The Haliburton, Whitney and Mattawa Railway Company," for the purpose of constructing, maintaining and operating a steam railway from a point at or near the Village of Haliburton, in the Provisional County of Haliburton, to a point where the said railway will cross the Ottawa, Arnprior and Parry Sound Railway, at or near the Village of Whitney, in the Township of Airy, and from thence in a northwesterly direction to a point at or near the Town of Mattawa, on the Ottawa River, and with power to have and operate vessels on the Ottawa River in connection with the said railway; and whereas it is expedient to grant the prayer of the said petition:—

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Honorable George A. Cox, Senator; W. H. Brouse, C. J. Campbell, J. W. Flavelle, J. J. Gartshore, W. H. Lockhart Gordon, James Graham, John Hoskin, J. S. Lockie, H. Mooney, Eugene O'Keefe, Elias Rogers, William Mackenzie and Z. A. Lash and such other persons and corporations as

shall

shall hereafter become shareholders in the said company, are hereby constituted a body corporate and politic under the name of "The Haliburton, Whitney and Mattawa Railway Company," hereinafter called the "Company."

Location of  
line.

2. The said company is hereby authorized and empowered to survey, lay out, construct, complete, equip, maintain and operate a steam railway, with double or single iron or steel tracks, from a point at or near the village of Haliburton, in the provisional county of Haliburton, passing through the Townships of Dysart, Dudley, Guilford, Harburn, Bruton, Eyre, Clyde, Sabine, Lawrence, Nightingale and Airy, or some of the said townships, to a point where the said railway will cross The Ottawa, Arnprior and Parry Sound Railway, at or near the Village of Whitney, in the Township of Airy, and from thence in an easterly and northerly direction passing through the Townships of Murchison, Clancy, Niven, White, Fitzgerald, Clara, Cameron and Papineau at a distance of not less than three miles from the Algonquin Park, to a point at or near the Town of Mattawa, on the Ottawa River, but in case of engineering difficulties the Lieutenant-Governor in Council may lessen the said distance of three miles.

Gauge.

3. The gauge of the said railway shall be four feet eight and one-half inches.

Provisional  
directors.

4. The said the Honorable George A. Cox, Senator; W. H. Brouse, W. H. Lockhart Gordon, William Mackenzie and Z. A. Lash with power to add to their number, shall be and are hereby constituted a board of provisional directors of the said company, of whom a majority shall be a quorum, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

Powers of  
provisional  
directors.

5. The said board of provisional directors shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking, and to allot the stock and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect to their stock, and to sue for and recover the same; and to cause plans and surveys to be made, and to receive for the company any grant, loan, bonus or gift made to it, or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as, under *The Railway Act of Ontario*, are vested in ordinary directors. The said directors, or a majority of them, or the board of directors to be elected as hereinafter mentioned, may, in their discretion, exclude any one from subscribing for stock who, in their judgment, would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act, and if at any time a portion or more than the whole stock shall have been sub-

scribed,



scribed, the said provisional directors, or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers if, in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the City of Toronto, in the County of York, or at such other place as may best suit the interest of the said company.

6. Conveyances of lands to the said company for the purposes of and powers given by this Act, made in the form set forth in Schedule A., hereunder written, or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate or interest therein mentioned and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in the same manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Conveyances  
of land to  
company.

7. No subscription for stock in the capital of the company shall be binding on the said company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Subscription  
for stock when  
binding.

8. The said company may receive from any government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same aid towards the construction, equipment or maintenance of the said railway by way of gift, bonus or loan of money or debentures or other securities for money, or by way of guarantee upon such terms and conditions as may be agreed upon.

Aid to rail-  
way.

9. The capital stock of the company hereby incorporated shall be \$1,000,000 (with power to increase the same in the manner provided by *The Railway Act of Ontario*), to be divided into ten thousand shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements of, and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway, and to the other purposes of this Act.

Capital stock,  
Rev. Stat.,  
c. 207.

First election  
of directors.

**10.** When and as soon as shares to the amount of \$100,000 of capital stock in the said company shall have been subscribed and ten per centum paid thereon into some chartered bank of the Dominion, having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the said provisional directors or a majority of them shall call a general meeting of the shareholders for the purpose of electing directors of the said company, giving at least four weeks' notice of such meeting by advertisement in *The Ontario Gazette* and in at least one newspaper published in the said City of Toronto of the time, place and purpose of the said meeting.

Number of  
directors and  
quorum.

**11.** At such general meeting the shareholders present either in person or by proxy, who shall at the opening of such meeting have paid up ten per centum on the stock subscribed by them, shall elect seven persons to be directors of the said company in manner and qualified as hereinafter mentioned, who shall constitute a board of directors and shall hold office until the next general annual meeting, and a majority of the directors shall form a quorum of the board, and may pass such rules, regulations and by-laws as may be deemed expedient and are not inconsistent with this Act and *The Railway Act of Ontario*; and the said board may employ and pay one of their number as managing director.

Rev. Stat.,  
c. 207.

Qualification  
of directors.

**12.** No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the said company, and unless he has paid up all calls thereon.

Power to con-  
struct line in  
sections.

**13.** The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railway is to pass, together with the map or plan thereof, and of their course and direction, and of the lands intended to be passed over and taken therefor so far as then ascertained, and also the book of reference for the railway, and to deposit the same, as required by the clauses of *The Railway Act of Ontario* and the amendments thereto with respect to plans and surveys, by sections or portions less than the length of the whole railway authorized, of such length as the company may from time to time see fit so that no one of such sections or portions shall be less than ten miles in length; and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the said Railway Act and the amendments thereof applied to, included in or incorporated with this Act shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof,

Rev. Stat.  
c. 207.

thereof, and of their whole course and direction, and of the lands intended to be passed over and taken, and the book of reference of the whole of said railways had been taken, made examined, certified and deposited according to the said clauses of the said Railway Act and the amendments thereof with respect to "plans and surveys."

**14.** Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible for office as directors in the said company. Rights of aliens.

**15.** The directors may from time to time, make calls as they shall think fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call, as hereinafter provided in section 17 of this Act. Calls on stock.

**16.** The provisional directors or the elected directors may pay, or agree to pay, in paid up stock or in the bonds of the said company, such sums as they may deem expedient, to engineers or contractors, or for right of way, or material, plant or rolling stock, and also, when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters or other persons who may be employed by the directors in furthering the undertaking, or for the purchase of right of way, material, plant, or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company. Payments in stock or bonds.

**17.** The head office of the said company shall be at the said City of Toronto, and the general annual meeting of the shareholders of the said company shall be held in such place in the said City of Toronto, on such days and at such hours as may be directed by the by-laws of the company; and public notice thereof shall be given at least four weeks previously in *The Ontario Gazette* and once a week in one newspaper published in the said City of Toronto during the four weeks immediately preceding the week in which such meeting is to take place. Head office, general annual meeting.

**18.** Special general meetings of the shareholders of the said company may be held at such places and at such times and in such manner and for such purposes as may be provided by the by-laws of said company, upon such notice as is provided in the last preceding section. Special general meetings.

**19.** The directors of the company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of Issue of bonds.

\$20,000



Rev. Stat.  
c. 207.

\$20,000 for each mile of the said railway, and the provisions of sub-sections 19, 20, 21, 22 and 23 of section 9 of *The Railway Act of Ontario* shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to, and in conformity with the provisions of the said sub-sections.

Bonds, etc.,  
how payable.

**20.** All such bonds, debentures and other securities and coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, and any holder of any such securities so made payable to bearer, may sue at law thereon in his own name.

Transfer of  
bonds.

Negotiable  
instruments.

**21.** The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than \$100, and any such promissory note or bill of exchange made, accepted or endorsed by the president or vice-president of the company, and countersigned by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president, vice-president or the secretary be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the said company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Mortgaging  
or pledging  
bonds.

**22.** The said company may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled, under the powers of this Act, to issue for the construction of the said railway.

Agreements  
with other  
companies for  
leasing or  
hiring rolling  
stock.

**23.** It shall be lawful for the directors of the company to enter upon an agreement or agreements with any other company or companies, if lawfully authorized to enter into such agreements, or with any person or persons, for leasing, hiring, or use of any locomotives, carriages, rolling stock and other movable property from such companies or persons for such time or times and on such terms as may be agreed on; and also to enter into agreements with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies of the locomotives, carriages, rolling stock and other moveable property of the other or others of them on such terms as to compensation and otherwise as may be agreed on.

**24.**



**24.** The said company may also construct an electric tele-  
graph line and a telephone line in connection with their rail-  
way, and for the purpose of constructing, working and pro-  
tecting the said telegraph and telephone lines, the powers con-  
ferred upon telegraph companies by *The Act respecting Tele-  
graph Companies* being chapter 192 of the Revised Statutes  
of Ontario, 1897, are hereby conferred upon the said company;  
provided, that no poles shall be erected in the construction of  
either of the said lines in or through any city, town or incor-  
porated village without the consent of the council of such  
city, town or village being first obtained by the said company;  
provided also, that such telegraph and telephone lines shall be  
used exclusively for the purposes of the business of the said  
company.

Telegraph  
and tele-  
phone lines.

**25.** Any municipality, or any portion of a township mun-  
icipality, which may be interested in securing the construction of  
the said railway, or through any part of which, or near which  
the railway or works of the said company shall pass or be  
situate may aid the said company, by giving money or de-  
bentures, by way of bonus, gift or loan, or by the guarantee  
of the municipal corporation, under and subject to the pro-  
visions hereinafter contained; provided always, that such aid  
shall not be given except after the passing of a by-law for the  
purpose, and the adoption of such by-law by the qualified  
ratepayers of the municipality or portion of the municipality  
(as the case may be) in accordance with and as provided by  
law in respect to granting aid, by way of bonuses to railways

Aid from mu-  
nicipalities.

**26.** Such by-law shall be submitted by the municipal coun-  
cil, to the vote of the ratepayers, in manner following, namely:

Submitting  
bonus by-laws.

(1) The proper petition shall first be presented to the coun-  
cil, expressing the desire to aid the railway, and stating in  
what way and for what amount; and the council shall within  
six weeks after the receipt of such petition by the clerk of the  
municipality, introduce a by-law to the effect petitioned for,  
and submit the same to the approval of the qualified voters.

(2) In the case of a county municipality, the petition shall  
be that of a majority of the members of the county council  
or of fifty resident freeholders, in each of the minor munici-  
palities of the county, who are qualified voters under *The  
Municipal Act* and the amendments thereto.

(3) In the case of other municipalities, the petition shall be  
that of a majority of the council thereof, or of fifty resident  
freeholders, being duly qualified voters under *The Municipal  
Act*, and amendments thereto as aforesaid.

(4) In the case of a section of a township municipality, the  
petition is to be presented to the council, defining the section  
by metes and bounds, or lots and concessions, and shall be that  
of a majority of the council of such township municipality, or  
of

of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

By-law affecting townships belonging to the C. L. & I. Co. of Haliburton [Ltd.]

(5) If the by-law will affect any Townships in the Provisional County of Haliburton, belonging to the Canadian Land and Immigration Company of Haliburton (Limited) then the consent of the said company must be obtained before the same be finally passed, otherwise the lands of the said company shall be exempt from its operation.

By-law what to contain.

**27.** Such by-law shall in each instance provide :

1. For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be), mentioned in the petition, by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law ;

2. For assessing and levying upon all rateable property lying within the municipality or portion of the township municipality defined in said by-law (as the case may be), an annual special rate, sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof, are hereby authorized to execute and issue in such cases respectively.

Petition against aid from county.

**28.** In case of aid from a county municipality, fifty resident freeholders of the county may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof, comprised in the said by-law, would be injuriously affected thereby, or upon any other ground ought not to be included therein and upon deposit by the petitioners, with the treasurer of the county, of a sum sufficient to defray the expenses of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court or district objecting, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law, by excluding any minor municipality or any section thereof, therefrom, and the decision of any two of them shall be final, and the by-law so confirmed or amended, shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county as the arbitrators may order.

**29.** The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township, or incorporated village, situate in the county or district municipality. "Minor municipality," meaning of.

**30.** Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the municipality, a sum sufficient to pay the expenses to be incurred in submitting said by-law. Deposit to be made before by-law is submitted.

**31.** In case the by-law submitted be approved of and carried, in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting, the municipal council which submitted the same shall read the said by-law a third time and pass the same. Council to pass by-law if assented to by rate-payers.

**32.** Within one month after the passing of such by-law the said council and the mayor, warden, reeve or other head, or other officers thereof, shall issue or dispose of the debentures provided for by the by-law, and deliver the same, duly executed, to the trustees appointed, or to be appointed, under this Act. Issue of debentures.

**33.** In case any such loan, guarantee or bonus, be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of such municipality. Levying rate on portion of municipality.

**34.** The provisions of *The Municipal Act* and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality, to the same extent as if the same had been passed by or for the whole municipality. Application of provisions of Rev. Stat. c. 223.

**35.** The councils for all corporations that may grant aid by way of bonus to the said company may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid, from time to time; provided that no such extension shall be for a longer period than one year. Councils may extend the time for commencement.

**36.** It shall and may be lawful for the council of any municipality that may grant aid by way of bonus, to the said company, by resolution or by-law, to extend the time for the completion of the works (on the completion of which the said company would be entitled to such bonus), from time to time, provided that no such extension shall be for a longer period than one year at a time. Councils may extend the time for completion.

**37.** Any municipality, or portion of a township municipality, interested in the construction of the railway of the said company Extent of aid from municipalities,



pany, may grant aid by way of bonus to the said company towards the construction of such railway, notwithstanding that such aid may increase the municipal taxation of such municipality, or portion thereof, beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes exclusive of school rates, than three cents in the dollar upon the value of the rateable property therein.

By-laws grant-  
ing exemption  
from taxation.

**38.** It shall be lawful for the corporation of any municipality through any part of which the railway of the said company passes, or in which it is situate, by by-law especially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise in gross, by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Gifts of lands.

**39.** Any municipality through which the said railway may pass or is situate is empowered to grant, by way of gift to the said company, any lands belonging to such municipality, or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any government, or any person or body, corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

Issue of  
debentures.

**40.** Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall within six months after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and  
in



in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable of acting, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council.

41. The said trustees shall receive the said debentures or bonds in trust, firstly, under the directions of the company but subject to the conditions of the by-laws in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario in the name of "The Haliburton, Whitney and Mattawa Railway, Municipal Trust Account," and to pay the same out to the said company from time to time as the said company becomes entitled thereto, under the conditions of the by-law granting the said bonus and on the certificate of the chief engineer of the said railway for the time being, in the form set out in Schedule B, hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of \$500, recoverable in any court of competent jurisdiction by any person who may sue therefor

Trusts of  
proceeds of  
debentures.

42. The trustees shall be entitled to their reasonable fees and charges from the said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Fees to  
Trustees.

43. Whenever it shall be necessary for the purpose of procuring sufficient land for stations, or gravel pits, or for constructing, maintaining and using the said railway, and in case, by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same, or any part thereof, from time to time as they may deem expedient; but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Power to  
purchase  
whole lots.

Rev. Stat.  
c. 207.

44. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause an Ontario Land Surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case

Acquiring  
material for  
construction.

Rev. Stat.  
c. 207.

case of acquiring the roadway, and the notice of arbitration, the award and the tender of compensation, shall have the same effect as in case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario*, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom land may be taken, or who may sell, shall apply to the subject matter of this section, as to the obtaining materials as aforesaid; and such proceedings may be had by the said company either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Sidings to  
gravel pits.

Rev. Stat.  
c. 207.

**45**—(1). When said gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publications of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

Rev. Stat.  
c. 207.

(2) When estimating the damages for the taking of gravel stone, earth or sand, subsection 9 of section 20 of *The Railway Act of Ontario* shall not apply.

Power to hold  
additional  
property.

**46.** The said company shall have full power to purchase land for, and erect warehouses, elevators, docks, stations, workshops and offices, and to sell and convey such land as may be found superfluous for any such purpose; and the company shall have power to hold as part of the property of the said company, as many steam or other vessels as the directors of the company may deem requisite from time to time, to facilitate the carriage of passengers, freight and other traffic in connection with the railway.

Power to erect  
snow fences.

**47.** The said company shall have the right, on and after the 1st day of November in each year to enter into and upon any lands of Her Majesty, or into and upon any lands of any corporation or persons whatsoever, lying along the route or line of said railway, and to erect and maintain snow fences

thereon,

thereon, subject to the payment of such damages (if any) as may be hereafter established in the manner provided by law in respect of such railway, to have been actually suffered, provided always that any such snow fences so erected shall be removed on or before the first day of April next following.

48. The said company shall have power to agree for connections and make running arrangements with the Canadian Pacific Railway Company, the Grand Trunk Railway Company, and the Ottawa, Arnprior and Parry Sound Railway Company, if lawfully empowered to enter into such agreement, upon terms to be approved by two-thirds in value of the shareholders at a special general meeting to be held for that purpose, and it shall also be lawful for the said company to enter into an agreement with any of the said railway companies, if lawfully authorized to enter into such an agreement, for the sale or leasing or hiring of the whole or any portion of the railway herein authorized or the use thereof or for the sale or lease or hiring any locomotives, tenders, plant or rolling stock or other property or of any part thereof or touching any service to be rendered by the one company to the other and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing or entering into such an agreement for using the said railway, may and are hereby authorized to work the said railway and in the same manner as if incorporated with their own line; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

Arrangements  
with other  
companies.

49. Shares in the capital stock of the said company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

Transfer of  
shares.

50. The said company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Payment of  
back charges  
on goods.

Incorporation  
of provisions  
of Rev. Stat.,  
c. 207.

**51.** The several clauses of *The Railway Act of Ontario*, and of every Act in amendment thereof shall be incorporated with, and be deemed to be part of this Act, and shall apply to the said company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act and of every Act in amendment thereof so incorporated with this Act.

Comencement  
and comple-  
tion of line.

**52.** The railway shall be commenced within three years, and finally completed within five years after the passing of this Act.

## SCHEDULE A.

(Section 6.)

Know all men by these presents that I (or we) (*insert the name or names of the vendor or vendors*) in consideration of  
dollars paid to me (or us) by The Haliburton,  
Whitney and Mattawa Railway Company, the receipt whereof is hereby  
acknowledged, do grant and convey unto the said company, and I (or we)  
(*insert the name or names of any other party or parties*) in consideration  
of  
dollars paid to me (or us)  
by the said company, the receipt whereof is hereby acknowledged, do  
grant and release all that certain parcel (or those certain parcels, as the  
case may be) of land (*describe the land*) the same having been selected  
and laid out by the said company for the purposes of its railway, to  
hold with the appurtenances unto the said The Haliburton, Whitney and  
Mattawa Railway Company, their successors and assigns forever (*here  
insert any other clauses, covenants and conditions required*), and I (or  
we) the wife (or wives) of the said  
do hereby bar my (or our) dower in the said lands.

As WITNESS my (or our) hand and seal (or hands and seals) this  
day of  
, one thousand, eight hundred and ninety-

Signed, sealed and delivered }  
in the presence of }

(L. S.,)

## SCHEDULE B.

(Section 41.)

### CHIEF ENGINEER'S CERTIFICATE.

The Haliburton, Whitney and Mattawa Railway Company's Office,  
No. A.D. 18

ENGINEER'S DEPARTMENT.

Certificates to be attached to cheques drawn on The Haliburton,  
Whitney and Mattawa Railway Company Municipal Trust Account given  
under



under section , chapter , of the Acts of the Legislature of Ontario,  
passed in the year of Her Majesty's reign.

1. I, chief engineer of  
The Haliburton, Whitney and Mattawa Railway Company, do hereby  
certify that the said company has fulfilled the terms and conditions  
necessary to be fulfilled under the by-law No. of the township  
of (or under the agreement dated the day  
of , 18 , between the corporation of  
and the said company) to entitle the said company to receive from the  
said trust the sum of  
(here set out the terms and conditions, if any, which have been fulfilled)

## CHAPTER 95.

An Act to incorporate the Hamilton and Caledonia  
Railway Company.*Assented to 1st April, 1899.*

## Preamble.

WHEREAS John Dickenson of the Township of Glanford in the County of Wentworth, John W. Gage, James T. Middleton and Walter Anderson of the Township of Barton in the County of Wentworth, John Milne, John Moodie the Younger and William A. Kerr of the City of Hamilton in the County of Wentworth, and Archibald Shirra and William Scott of the Village of Caledonia in the County of Haldimand, have by their petition prayed for an Act of incorporation under the name of The Hamilton and Caledonia Railway Company for the purpose of constructing and operating a railway from some point within the City of Hamilton in the County of Wentworth to some point within the Village of Caledonia in the County of Haldimand, with power to extend the said railway to some point within the Town of Cayuga in the County of Haldimand, and with power to further extend the said railway to some point on the shore of Lake Erie in the County of Haldimand near the Village of Selkirk; and whereas as it is expedient to grant the prayer of the said petition.

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as following :—

1. The said John Dickenson, John W. Gage, James T. Middleton, Walter Anderson, John Milne, John Moodie the Younger, William A. Kerr, Archibald Shirra and William Scott and such other persons, firms and corporations as shall hereafter become shareholders of the said company are hereby constituted a body corporate and politic under the name of "The Hamilton and Caledonia Railway Company."

2. The said company and their servants and agents are hereby authorized and empowered to survey, lay out, construct, complete, equip, maintain and operate by compressed air or electricity, or partly by compressed air and partly by electricity, and from time to time remove and change a double or single track iron or steel railway of the gauge of four feet eight and one-half inches with one or more branch or branches and with all necessary side tracks and turn outs for the passage of cars, carriages and other vehicles adapted to the same from some point in the City of Hamilton through the said city, the Village of Caledonia, the Town of Cayuga and the Townships of Barton, Glanford, Seneca, North Cayuga, Rainham and Walpole to a point on the shore of Lake Erie near the Village of Selkirk, with power to build any part or branch of the said railway in sections. The said railway may be carried along and upon such streets and highways and railway tracks or lines as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to any restrictions therein or herein contained, and under and subject to any agreements hereafter to be made between the council of any of the said corporations respectively and the said company, and the said company may take, transport and carry passengers, freight, express and mail matter upon the same by the force or power of such motive power as they may be authorized by the council of the several municipalities by by-law to use and to construct and maintain all necessary works, buildings, appliances and conveniences connected therewith; and the said company may make and enter into any agreement with any municipal council or road company as to the terms of occupancy of any street or highway.

3. John Dickenson, John W. Gage, James T. Middleton, Walter Anderson, John Milne, John Moodie the Younger, William A. Kerr, Archibald Shirra and William Scott shall be and are hereby constituted a board of provisional directors of the said company of whom a majority shall be a quorum, and shall hold office as such until other directors shall be appointed under the provisions of *The Electric Railway Act*.

Provisional  
directors.

Rev. Stat.  
c. 209.

4. When and as soon as shares to the amount of \$50,000 of capital stock in said company shall have been subscribed and ten per centum paid thereon into some chartered bank of the Dominion having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn

First meeting  
of company.

drawn therefrom unless for the services of the company, the said provisional directors or a majority of them shall call a general meeting of the shareholders for the purpose of electing directors of the said company, giving at least four week's notice by advertisement in the *Ontario Gazette* and in one or more newspapers published in the City of Hamilton in the said County of Wentworth, of the time, place and purpose of said meeting.

Number of directors.

5. The number of directors shall be not less than five nor more than nine.

Construction of railway in sections.

Rev. Stat. c. 209.

6. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railways are to pass, together with the map or plan thereof, and of their course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also a statement in accordance with the provisions of section 27 of *The Electric Railway Act*, and to deposit the same, as required by the clauses of the said *Electric Railway Act*, and amendments thereto, with respect to plans and surveys, by sections or portions less than the length of the whole railways authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than ten miles in length; and upon such deposit as aforesaid of the map or plan and statement of any and each of such sections or portions of the said railways, all and every of the clauses of the said *Electric Railway Act*, and the amendments thereof, applied to, included in or incorporated with this Act shall apply and extend to any and each of such sections or portions of the said railways as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railways are to pass, together with the map or plan of the whole thereof, and of their whole course and direction and of the lands intended to be passed over and taken and the statement of the whole of said railways had been taken, made, examined, certified and deposited according to the said clauses of the said *Electric Railway Act*, and the amendments thereof, with respect to "plans and surveys."

Head office.

7. The head office of the said company shall be at the said City of Hamilton, and all meetings of the provisional board of directors of the company shall be held at the said City of Hamilton, or at such other place as may best suit the interests of the company.

Making certain payments in paid up stocks or bonds.

8. The provisional directors or the elected directors may pay or agree to pay, in paid up stock or in the bonds of the said company, such sums as they may deem expedient to engineers and contractors, or for right of way or material, plant or rolling stock, and also when sanctioned by a vote of the shareholders



shareholders at any general meeting, for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors in furthering the undertaking, or for the purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company.

9. The capital stock of the company shall be \$250,000, Capital stock. to be divided into 2,500 shares of \$100 each.

10. No subscription for stock in the capital of the company, shall be binding on the said company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription. Subscriptions not binding until approved.

11. The company may make special rates for the carriage of fruit and milk. Tolls on fruit and milk.

12. The company may make and enter into an agreement with any park company for aid in the construction of their line of railway or the branches thereof by way of loan or bonus or subscription of stock or otherwise, and the railway company may grant any such park company, or any agricultural society, special rates for passengers and goods to and from the grounds of such park company or agricultural society. Agreements with park companies.

13. The company shall have power and authority to generate compressed air or electricity by water power or steam at Caledonia or at any other place on the Grand River between Caledonia and Cayuga, as may be most suitable for the location of the power house, and also to generate compressed air by steam or electric power at Hamilton, and also to generate compressed air from natural gas along the line of the railway, and may construct, maintain and operate the necessary works for the production of compressed air and electricity for the motive power of the said railway, and for lighting and heating the rolling stock of the company by electricity, and the said company may sell or lease any such electricity not required for the purposes aforesaid to any person, firm or corporation, and in that behalf shall possess the powers, right and privileges, and shall be subject to all the obligations and restrictions of joint stock companies incorporated under *The Act respecting Companies for supplying Steam, Heat, Electricity or Natural Gas, for Heat, Light or Power*, and the company may acquire and hold any property necessary for the purposes mentioned in this section. Compressed air and electricity, power to generate. Rev. Stat. c. 200.

14. Any municipality through which the said railway passes and having jurisdiction in the premises may pass a by-law Laying rails on highways.

law or by-laws empowering the said company to make their road and lay their rails along any of the highways within such municipality, including any road in the possession or under the control of any joint stock company, with the consent of and subject to the conditions imposed by such joint stock company, and under and subject to any agreement or agreements hereafter to be made between any such municipality and the said company, and it shall and may be lawful for the said company to enter into and perform any such agreements as they may from time to time deem expedient with any municipality, corporation or person, for the construction or for the maintenance and repair of gravel or other public roads leading to or used by the said railway.

Agreements with other companies for supply of compressed air, electricity etc.

**15.** The said company shall have power to enter into an agreement or agreements with the Hamilton Electric Light and Power Company (Limited), The Cataract Power Company or any other company or companies for the purchase, leasing or hiring of power to run their compressed air or electric motors, carriages or cars, or for lighting or heating the same, or for any other purpose for which it may be required by the said company.

Running arrangements and connections with other companies.

**16.** The said company shall have power to agree for connections and making running arrangements with any company or companies now or hereafter lawfully authorized to construct and operate a railway or railways in or near the City of Hamilton, if lawfully empowered to enter into any such agreement, upon terms to be approved by two-thirds in value of the shareholders, at a special general meeting to be held for that purpose, and it shall also be lawful for the said Company to enter into an agreement or agreements with the said companies or any of them, if lawfully authorized to enter into any such agreement, for the sale or leasing or hiring of any portion of the railway herein authorized or the use thereof, or for the sale or leasing or hiring any compressed air or electric motors, carriages or cars or any of them, or of any part thereof, or touching any service to be rendered by one company to the other, and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing, or entering into such agreement for using the said railway, may and are hereby authorized to work the said railway, in the same manner as if incorporated with their own line subject to the provisions of any by-law or by-laws of the City of Hamilton which may from time to time be in force so far as the same may effect the company hereby incorporated, or the railway to be built under the authority of this Act, and provided that no such agreement for connections, running arrangements, sale, leasing

leasing or hiring of the said railway or any portion thereof shall be entered into by the said company unless and until the consent of the corporation of the said City of Hamilton has first been obtained thereto, but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

17. The said company shall have power and authority to receive, purchase, hold and take of any corporation or person, any land for the purpose of boring for natural gas and to bore for natural gas, and, in case same is found, to pipe the same along the line of the railway and to enter into an agreement or agreements with any person, firm or corporation for the purchase, leasing or hiring by such person, firm or corporation of any surplus natural gas, for heating, lighting or manufacturing purposes or for any other purpose for which the same may or can be used by such purchaser, lessee or hirer.

Acquiring  
lands for nat-  
ural gas rights.

18. The several clauses of *The Electric Railway Act*, and of every Act in amendment thereof, shall be incorporated with and be deemed to be part of this Act, and shall apply to the company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said *Electric Railway Act* and of every Act in amendment thereof so incorporated with this Act.

Application  
of Electric  
Railway Act.

19. The railway shall be commenced within three years and completed to the extent of a through connection with the Village of Caledonia aforesaid within four years, and completed to the extent of a through connection with the Town of Cayuga within five years and finally completed within six years after the passing of this Act.

Time for com-  
mencement  
and comple-  
tion of line.

## CHAPTER 96.

An Act respecting The Hamilton, Chedoke and Ancaster Electric Street Railway Company, Limited.

*Assented to 1st April, 1899.*

Preamble.

WHEREAS by letters patent under the Great Seal of the Province of Ontario, bearing date the fifth day of November in the year of our Lord one thousand eight hundred and ninety-six, certain persons therein named were granted a charter constituting them and such other persons as were then or might become shareholders in the proposed company, a body corporate and politic for the purposes and objects following, that is to say,—subject to the provisions of *The Act to authorize the construction of Street Railways* and to the consent of the municipalities interested to construct, maintain, build and operate by the motive power of electricity only an electric street railway within the limits of the said City of Hamilton and within the limits of the Township of Barton and Ancaster, and in and by the said charter it was provided that the said company should be subject to the provisions of *The Act to authorize the construction of Street Railways* and the said company in prosecuting the purposes and objects of its incorporation might exercise the powers contained in the said Act and of all the privileges thereby conferred in so far as the provisions of *The Act to authorize the construction of Street Railways* did not conflict with the powers conferred by the said charter; and whereas the said company have represented by their petition that it is desirable to extend the powers of the said company among other things in the manner hereinafter set forth and to change the name of the said company

and



and to increase its capital stock ; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The name of the above named company is hereby changed from The Hamilton, Chedoke and Ancaster Electric Street Railway Company, Limited, to The Hamilton, Ancaster and Brantford Railway Company. Change of name.

2. The capital stock of the said company is hereby increased from \$100,000 to \$300,000. Increase of capital stock.

3. The said company is hereby authorized and empowered to survey, lay out, construct, make, build, complete, alter and keep in repair a railway to be operated by electricity or compressed air with single or double iron or steel tracks from its present proposed terminus at Duff's Corners in the Township of Ancaster in the County of Wentworth, thence in a westerly direction through the said Township of Ancaster and the Township of Brantford in the County of Brant, passing through or near the unincorporated Villages of Alberton, Echo Place, and Cainsville, and thence to and into the City of Brantford by way of Mohawk Park, and a branch line of the said railway from some point on the main line of the said railway at or near the Village of Ancaster to the locality known as Sulphur Springs in the said Township of Ancaster, and the railway or any part thereof may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same and subject to the restrictions and provisions therein and in *The Electric Railway Act* contained, and under and subject to any agreements heretofore or hereafter to be made between the company and the councils of any of the said corporations and between the company and the road companies (if any) interested in such highways; and the company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway subject to the provisions and conditions contained in *The Electric Railway Act* and in *The Municipal Act* and in any Act or Acts amending the same, and this section and the powers hereby given shall apply to that portion of said railway already authorized to be constructed. Location of line. Rev. Stat., c. 209. Rev. Stat., c. 223.

4. Notwithstanding the increased power conferred upon the said company all the present rights of the company and of shareholders in the company are hereby preserved under its new name and all the liabilities incurred by the company under its present name are hereby preserved. Rights and liabilities preserved.

Rev. Stat.,  
c. 209  
incorporated  
herewith.

5. The several clauses of *The Electric Railway Act* and of every Act in amendment thereof shall be incorporated with and be deemed to be a part of this Act and shall apply to the company and to the railway and branch to be constructed by them except only so far as they may be inconsistent with the charter heretofore granted to the company and with the express enactments hereof.

Authority to  
make agree-  
ments with  
other com-  
panies.

6. Subject to the provisions of *The Electric Railway Act* and the charter incorporating the said company, the company shall have power to enter into any agreement with the Brantford Street Railway Company for the leasing, hiring or use by the company of the lands, tracks or structures of the Brantford Street Railway Company for entrance into the City of Brantford from Mohawk Park and also to make any similar agreement with The Hamilton Street Railway Company or The Hamilton and Dundas Railway Company for entrance into the City of Hamilton over their tracks.

## CHAPTER 97.

## An Act respecting The London Street Railway Company.

*Assented to 1st April, 1899,*

WHEREAS The London Street Railway Company were Preamble.  
incorporated by an Act of the Ontario Legislature passed in the 36th year of the reign of Her Majesty Queen Victoria, chaptered 99, with the powers therein set forth, and the company was authorized and empowered to construct, maintain, complete and operate a double or single iron railway with the necessary side tracks, switches and turn-outs for the passage of cars, carriages and other vehicles adapted to the same, upon and along such of the streets and highways in the municipality of the City of London and of any of the adjoining municipalities, subject to agreements to be made between the company and the said municipalities, which Act was amended by an Act passed in the 58th year of the reign of Her Majesty Queen Victoria, chaptered 107; and whereas, The London Street Railway Company have by their petition prayed for an Act confirming by-laws numbers 1010 and 1025 of the Corporation of the City of London dated respectively the 13th day of July and the 8th day of November, 1897, and certain agreements made in pursuance thereof between the said petitioners and the said Corporation of the City of London bearing date respectively the 28th day of July, 1897, and the 22nd day of December, 1897, and have by their said petition further prayed for an Act confirming by-law number 391 of the Township of London dated the 14th day of August, 1897, and the agreement of even date therewith made in pursuance thereof between the said petitioners and the said Corporation

of

of the Township of London; and whereas it is expedient to grant the prayer of the said petition—

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Agreement  
and by-laws of  
the city of  
London con-  
firmed.

1. The agreements between The London Street Railway Company and the Corporation of the City of London dated the 28th day of July, 1897, and the 22nd day of December, 1897, and the by-laws numbered 1010 and 1025 respectively therein referred to and incorporated therewith, which are set out in schedules A and B respectively to this Act, are hereby declared to be valid and legal and to be binding upon the parties thereto.

Agreement  
and a by-law  
of the town-  
ship of Lon-  
don confirmed

2. The agreement between The London Street Railway Company and the Corporation of the Township of London dated the 14th day of August, 1897, and the by-law numbered 391 therein referred to and incorporated therewith, which are set out in schedule C to this Act, are hereby declared to be valid and legal and to be binding upon the parties thereto.

Authority of  
corporation to  
in force per-  
formance of  
provisions of  
by-law against  
company.

3. If the said company shall fail or neglect to keep, observe, perform or comply with any of the provisions of any of the said by-laws in which the residents of the municipality or the corporation or any other person or corporation are interested, then, in addition to all other remedies by law enforceable against the company, the corporation may bring an action in the High Court of Justice against the company and all other necessary parties to compel the keeping, observing, performing of and complying with such provisions, and the court shall have full power and jurisdiction in the premises to enforce by injunction or otherwise the due observance, performance and fulfilment by the company and its officers and other persons of all provisions of the said by-laws in which residents of the municipality or the corporation or any other person or corporation are interested.

36 V. c. 99,  
sec. 6 amended

4. Section 6 of the Act to incorporate The London Street Railway Company, being chapter 99 of the Acts passed in the 36th year of Her Majesty's reign is amended by inserting the words "at least" in the third line thereof before the word "five"; and by striking out the word "three" in the eleventh line thereof and inserting in lieu thereof "a majority of the"; and by adding the following to section 6 as sub-section "a."  
“(a)—The company may by by-law increase or decrease the number of its directors.”



## SCHEDULE A.

*(Section 1.)*

## BY-LAW No. 1010. RESPECTING THE LONDON STREET RAILWAY COMPANY.

Whereas, by By-law No. 916 respecting The London Street Railway Company, passed on the twenty-first day of May, A.D. 1895, and certain articles of agreement between the Corporation of the City of London (hereinafter called the Corporation) and The London Street Railway Company (hereinafter called the Company), bearing date the sixth day of June, A.D. 1895, it was provided that the Company should complete their railway and have the electric cars running efficiently and the whole of the works in full operation upon all of the streets and portions of streets mentioned in sub-section 2 of section 50 of the said by-law within eighteen months from the passing of the said by-law ;

And whereas it was further provided by the said by-law and agreement that the Company should, instead of extending their tracks on the Hamilton Road from Rectory street to Egerton street and on Egerton street from the Hamilton road to Pine street, provided a free crossing were obtained over the Grand Trunk Railway Company's tracks on Rectory street, within one year from the passing of the said by-law, lay their tracks on Rectory street from Dundas street southerly to the Hamilton road within the period of eighteen months from the passing of the said by-law ;

And whereas the Hamilton road from Rectory street to Egerton street and Egerton street from Hamilton road to Pine street are portions of the streets mentioned in sub-section 2 of section 50 of the said by-law, upon which the Company were to complete their railway and to have the electric cars running efficiently and the whole of the works in full operation within eighteen months from the passing of the said by-law as hereinbefore recited ;

And whereas, by By-law No. 975 respecting The London Street Railway Company, passed on the fifth day of October, A.D. 1896, the time for laying the Company's tracks on the Hamilton road from Rectory street to Egerton street and on Egerton street from the Hamilton road to Pine street, the completion of the said railway thereon, the running of the electric cars and the having of the whole of the works in full operation upon the said portions of the said streets was extended for a period of six months from the passing of the said last mentioned by-law ;

And whereas it was further provided by the said last mentioned by-law that, in the event of a free crossing being obtained over the Grand Trunk Railway Company's tracks on Rectory street within three months from the passing of the said last mentioned by-law, the company should, instead of extending their tracks on the Hamilton road from Rectory street to Egerton street and on Egerton street from the Hamilton road to Pine street, lay their tracks on Rectory street from Dundas street southerly to the Hamilton road and complete their railway and have the electric cars running efficiently and the whole of their works in full operation upon the said portion of the said street within six months from the passing of the said last mentioned by-law, in default of which all the privileges granted to the company by the said by-law No. 916 should cease, determine and be at an end, and, in that event the corporation might exercise the other powers contained in section 56 of the said by-law No. 916 ;

And whereas a free crossing cannot be obtained over the Grand Trunk Railway company's tracks on Rectory street and the company have requested the corporation to extend the time for the laying of their tracks

on Rectory street aforesaid, the completion of the said railway thereon, the running of the electric cars and the having of the whole of the works in full operation upon the said portion of the said street for a period of three months from the passing of this by-law and agree with the corporation that, in the event of such time being extended as aforesaid, they will (notwithstanding that a free crossing cannot be obtained over the Grand Trunk Railway Company's tracks on Rectory street), without any expense or liability of the corporation for any work or materials which may be done or furnished in the crossing of the said tracks, or any expense to or liability of the corporation in respect of the construction or maintenance of the said crossing or the signals thereat or other safeguard or otherwise howsoever, within the said period of three months lay their tracks on Rectory street from Dundas street southerly to the Hamilton road in lieu of laying the same on the Hamilton road from Rectory street to Egerton street and on Egerton street from the Hamilton road to Pine street, and will have their said railway completed upon the said portion of Rectory street and the electric cars running efficiently thereon and the whole of the works in full operation upon the said portion of Rectory street within the said period of three months from the passing of this by-law, in default of which all the privileges granted to the company by the said by-law No. 916 and this by-law shall cease, determine and be at an end, and, in that event, the corporation may exercise the other powers contained in section 56 of the said by-law No. 916;

And whereas it is expedient to grant the said request of the company upon condition that within four weeks from the passing of this by-law the company enter into an agreement with the corporation which shall legally bind the company to carry out the agreement in the next preceding recital hereof mentioned and which also shall stipulate and legally bind the company that nothing in this by-law contained shall prejudice or effect the rights of the corporation under the said by-law No. 916 and the agreement between the company and the corporation, dated the sixth day of June, A.D. 1895, except as varied by this by-law and that, save as varied by this by-law, the said by-law and agreement, shall be and remain valid and binding upon the company, their successors and assigns;

Be it therefore enacted by the municipal council of the corporation of the city of London as follows:

1. That the company shall, instead of laying their tracks on the Hamilton road, from Rectory street to Egerton street, and on Egerton street from the Hamilton road to Pine street, lay their tracks on Rectory street from Dundas street southerly to the Hamilton road and complete their said railway thereon, and have their electric cars running efficiently and the whole of their works completed and in full operation upon the said portion of the said street within three months from the passing of this by-law, in default of which all the privileges granted to the company by the said by-law No. 916 or by this or any other by-law of the corporation, shall cease, determine and be at an end, and in that event, the corporation may exercise the other powers contained in section 56 of the said by-law No. 916.

2. That in the event of the company laying their tracks on Rectory street within the time and as provided by the next preceding paragraph hereof, the laying of their said tracks shall be accepted by the corporation in lieu of laying their tracks upon the Hamilton road, from Rectory street to Egerton street, and on Egerton street from the Hamilton road to Pine street, as provided by the said by-law No. 916, and that any forfeiture which may have occurred by reason of the company not having laid their tracks on the Hamilton road, from Rectory street to Egerton street, and on Egerton street from the Hamilton road to Pine street, be and the same is hereby waived, but such waiver shall not be deemed or assumed to extend to any instance or any breach (if any) of any of the covenants, conditions, terms, agreements, stipulations, regulations, obligations, provisions or things contained in the said by-law No. 916 and the said agreement bearing date the sixth day of June, A.D. 1895, or either of them, other

other than the breach hereinbefore referred to, and shall not be deemed a waiver of the benefit of any covenant, condition, term, agreement, stipulation, regulation, obligation, provision or thing contained in the said by-law and agreement, or either of them, save and except only the breach hereinbefore referred to.

3. That nothing in this by-law contained shall prejudice or affect the rights of the corporation under the said by-law No. 916 and the agreement between the company and the corporation bearing date the sixth day of June, A.D. 1895, except as varied by this by-law, and that, save as varied by this by-law, the said by-law and agreement shall be valid and binding upon the company, their successors and assigns.

4. This by-law and the powers and privileges hereby granted shall not take effect or be binding upon the corporation unless or until formally accepted by the company within four weeks after the passing of this by-law by an agreement which shall legally bind the company to perform, observe and comply with all the agreements, obligations, terms and conditions herein contained, and shall stipulate and legally bind the company that nothing in this by-law contained shall prejudice or affect the rights of the corporation under the said by-law No. 916 and the agreement between the company and the corporation dated the sixth day of June, A.D. 1895, except as varied by this by-law, and that, save as varied by this by-law, the said by-law and agreement shall be and remain valid and binding upon the company, their successors and assigns.

Passed in open council this 13th day of July, A.D. 1897.

(Sgd.) C. A. KINGSTON,  
Clerk.

(Sgd.) J. W. LITTLE,  
Mayor.

[Seal.]

ARTICLES OF AGREEMENT, made this twenty-eighth day of July, A.D. 1897, between The London Street Railway Company (hereinafter called the company) of the first part, and the Corporation of the City of London (hereinafter called the corporation) of the second part.

Whereas the council of the corporation, by by-law No. 1010 passed on the thirteenth day of July, A.D. 1897, provided for the laying of the company's tracks on Rectory street from Dundas street southerly to the Hamilton road instead of laying the same on the Hamilton road from Rectory street to Egerton street and on Egerton street from the Hamilton road to Pine street and made other provisions contained in the said by-law a true copy of which said by-law is hereto annexed ;

And whereas, these presents are intended to give effect to the said by-law and to bind the company to keep the terms contained in the said by-law and that nothing in the said by-law contained shall prejudice or affect the rights of the corporation under by-law No. 916 of the corporation passed on the twenty-first day of May, A.D. 1895, and the agreement between the company and the corporation dated the sixth day of June, A.D. 1895, except as varied by the said by-law No. 1010, and that, save as varied by the said by-law No. 1010, the said by-law No. 916 and the said agreement between the company and the corporation dated the sixth day of June, A.D. 1895, shall be and remain valid and binding upon the company, their successors and assigns and that any waiver of any forfeiture which may have occurred by reason of the company not having laid their tracks on the Hamilton road from Rectory street to Egerton street

from



from the Hamilton road to Pine street within the time limited therefore shall not be deemed or assumed to extend to any instance or any breach, if any, of any of the covenants, conditions, terms, agreements, stipulations, regulations, obligations, provisions or things contained in the said by-law No. 916, and the said agreement between the company and the corporation dated the sixth day of June, A.D. 1895, or either of them, other than the breach hereinbefore referred to and shall not be deemed a waiver of the benefit of any covenant, condition, term, agreement, stipulation, regulation, obligation, provision or thing contained in the said last mentioned by-law and agreement, or either of them, save and except only the breach hereinbefore referred to ;

Now, these presents witness that, in consideration of the granting of the rights which are by the said by-law No. 1010 granted by the corporation to the company, the company do, for themselves, their successors and assigns, covenant, promise and agree to and with the corporation, their successors and assigns, in manner following, that is to say :

1. The company do hereby accept the said by-law No. 1010 and that the company, their successors and assigns, will in all things conform to, obey, perform, fulfill and keep all and every the terms, conditions, agreements, stipulations, regulations, obligations, provisions and things in the said by-law No. 1010 contained, upon, under and subject to which the said rights are by the said by-law No. 1010 granted to the company, and that the company will, instead of laying their tracks on the Hamilton road from Rectory street to Egerton street and on Egerton street from the Hamilton road to Pine street, lay their tracks on Rectory street from Dundas street southerly to the Hamilton road and complete their said railway thereon and have their electric cars running efficiently and the whole of the works completed and in full operation upon the said portion of the said street within three months from the passing of the said by-law No. 1010, in default of which all the privileges granted to the company by the said by-law No. 916 or by the said by-law No. 1010 or by any other by-law of the corporation shall cease, determine and be at an end, and, in that event, the corporation may exercise the other powers contained in section 56 of the said by-law No. 916.

2. That the company will do and perform all acts, matters and things which the said by-law No. 1010 provides are to be done by or on behalf of the company, and the company also covenant and agree with the corporation that nothing in the said by-law No. 1010 contained shall prejudice or affect the rights of the corporation under the said by-law No. 916 or the said agreement between the company and the corporation dated the sixth day of June, A.D. 1895, except in so far as the same are varied by the said by-law No. 1010 and that, save and except in so far as the same are varied by the said by-law No. 1010, the said by-law, No. 916 and the said agreement between the company and the corporation dated the sixth day of June, A.D. 1895, shall be and remain valid and binding upon the company, their successors and assigns.

3. That any waiver by the corporation in the said by-law No. 1010 contained of any forfeiture which may have occurred by reason of the company not having laid their tracks on the Hamilton road from Rectory street to Egerton street and on Egerton street from the Hamilton road to Pine street as provided by the said by-law No. 916 and by by-law No. 975 of the municipal council of the corporation passed on the fifth day of October, A.D. 1896, shall not be deemed or assumed to extend to any instance or any breach, if any, of any of the covenants, conditions, terms, agreements, stipulations, regulations, obligations, provisions or things contained in the said by-law No. 916 and the said agreement bearing date the sixth day of June, A.D. 1895, or either of them, other than the breach hereinbefore referred to, and shall not be deemed a waiver of the benefit of any covenant, condition, term, agreement, stipulation, regulation, obligation, provision or thing contained in the said last mentioned by-law and agreement, or either of them, save and except only the breach hereinbefore referred to.



4. That the company will lay their tracks on Rectory street from Dundas street southerly to the Hamilton road and do the other works as provided by the first paragraph hereof without any expense to or liability of the corporation for any work or materials which may be done or furnished in the crossing of the Grand Trunk Railway Company's tracks on Rectory street aforesaid or any expense to or liability of the corporation in respect of the construction or maintenance of the said crossing or the signals thereat or other safeguards or otherwise howsoever.

In witness whereof the company have caused to be affixed their corporate seal and their president and secretary have set their hands, and the corporation have caused to be affixed their corporate seal and the mayor and city clerk have set their hands the day and year first above written.

Signed, sealed and delivered in duplicate in the presence of  
C. A. KINGSTON as to signature of J. W. LITTLE.

{ J. W. LITTLE, [Seal.]  
Mayor.  
C. A. KINGSTON,  
City Clerk.

CHARLES H. IVEY as to signature of H. A. EVERETT and  
C. E. A. CARR.

{ H. A. EVERETT, [Seal.]  
President.  
C. E. A. CARR,  
Secretary.

## SCHEDULE B.

(Section 1.)

### BY-LAW NO. 1025, RESPECTING THE LONDON STREET RAILWAY COMPANY.

Whereas the Legislature of the Province of Ontario, on the twenty-ninth day of March, 1873, passed an Act intituled "An Act to incorporate The London Street Railway Company," by which the said Company (hereinafter called the company) are authorized and empowered to construct, maintain, complete and operate a double or single iron railway with the necessary side tracks, switches and turnouts for the passage of cars, carriages and other vehicles adapted to the same upon and along such of the public streets and highways within the jurisdiction of the Corporation of the City of London (hereinafter called the corporation) as the company may be authorized to pass along, under and subject to any agreement to be made between the council of the corporation and the company and under and subject to any by-law of the corporation, and to take, transport and carry passengers and freight upon the same by the force or power of animals or such other power as the corporation may by by-law from time to time authorize to be used, and to construct and maintain all necessary works, buildings and conveniences therewith connected, and full power is given to the directors to make all by-laws for the management of the company;

And whereas the corporation and the company are by the said Acts respectively authorized to make and enter into any agreements or covenants

enants relating to the construction of the said railway for the paving, macadamizing, repairing and grading of the streets or highways, and the construction, opening of and repairing of drains or sewers, and the laying of gas and water pipes in the said streets and highways, the location of the railway and the particular streets along which the same shall be laid, the pattern of the rail, the time and speed of running the cars, the time within which the works are to be commenced, and the manner of proceeding with the same, and the time for completion and generally for the safety and convenience of passengers, the conduct of the agents and servants of the company, and the non-obstructing or impeding of the ordinary traffic ;

And whereas the corporation are by the said Act authorized to pass any by-law or by-laws for the purpose of carrying into effect any such agreements or covenants and containing all necessary clauses, provisions, rules and regulations for the conduct of all parties concerned, including the Company, and for the enforcing obedience thereto, and also for the facilitating of the running of the company's cars and for regulating the traffic and conduct of all persons travelling upon the streets and highways through which the said railway may pass ;

And whereas by by-law No. 916 respecting The London Street Railway Company passed on the 21st day of May, A.D. 1895, the consent, permission and authority of the corporation was given and granted to the company to construct, complete, maintain and operate during the remainder of the term of fifty years from the eighth day of March, A.D. 1875, a service electric street railway on the trolley system upon and along certain streets of the said City of London, particularly mentioned in the said by-law, upon and subject to the conditions and agreements hereinafter contained ;

And whereas the company has applied to the municipal council of the corporation for permission to extend, construct, maintain and operate their railway on High street from Maryboro' Place to Tecumseh Avenue and on Tecumseh Avenue from High street to a point distant one hundred and twenty feet westerly therefrom, in the sixth ward in the said City of London, and the said council has consented to grant the same upon and subject to the conditions and agreements hereinafter referred to ;

Be it therefore enacted by the municipal council of the corporation of the City of London as follows :

1. The consent, permission and authority of the corporation is hereby given and granted, so far as the corporation hath power to give and grant the same, to the company to construct, complete, maintain and operate during the remainder of the said term of fifty years from the eighth day of March, A.D. 1875, a surface electric street railway on the trolley system, for the passage of cars, carriages and other vehicles adapted to the same, upon and along High street, from Maryboro' Place to Tecumseh avenue, and Tecumseh avenue from High street to a point distant one hundred and twenty feet westerly therefrom, in the sixth ward in the said City of London, in the manner and upon and subject to all the terms, conditions, agreements, stipulations, regulations, obligations, provisoes and things contained in the said by-law No. 916, passed on the twenty-first day of May, A.D. 1895, all of which terms, conditions, agreements, stipulations, regulations, obligations, provisoes and things in the said by-law contained are hereby declared to form part of this by-law as if the same were fully set out therein.

2. One track only, without any switches, loops, turn-tables, cross-overs, side-tracks, turn-outs, or other works, save and except only a "Y" shall be laid on the said portions of the said streets, but a "Y" may be laid either upon the said portion of High street or the said portion of Tecumseh avenue or partly on the said portion of High street and partly on the said portion of Tecumseh avenue.

3. The laying of the track upon the said portions of the said streets shall not be deemed a laying down of new lines or an extension of tracks within the meaning of section 21 of the said by-law No. 916.

4. This by-law and the powers and privileges hereby granted shall [not take effect or be binding upon the corporation unless and until formally accepted by the company within sixty days from the passing thereof by an agreement which shall legally bind the company to perform, observe and comply with all the agreements, obligations, terms and conditions herein contained and referred to, and shall be approved by the city solicitor, and such agreement, when so approved, shall be executed under the city's seal by the mayor or the chairman of No. 1 committee and the city clerk.

Passed in open council, this eighth day of November, A.D. 1897.

(Sgd.) C. A. KINGSTON,  
Clerk.  
J. W. LITTLE,  
Mayor.

[Seal]

ARTICLES OF AGREEMENT made the 22nd day of December, A. D. 1897, between the Corporation of the City of London (hereinafter called the Corporation) of the first part, and the London Street Railway Company (hereinafter called the Company) of the second part.

Whereas, by an Act of the Legislature of the Province of Ontario, passed on the twenty-ninth day of March, A. D. 1873, entitled "*An Act to Incorporate The London Street Railway Company*," it is amongst other things provided that the council of the corporation and the company may make and enter into any agreements or covenants relating to the construction of the said railway, for the paving, macadamizing, repairing and grading of the streets or highways, and the construction, opening of and repairing of drains or sewers and the laying of gas and water pipes in the said streets and highways; the location of the railway and the particular streets along which the same shall be laid; the pattern of the rail; the time and speed of running the cars; the time within which the works are to be commenced; the manner of proceeding with the same, and the time for completion and generally for the safety and convenience of passengers; the conduct of the agents and servants of the company and the non-obstructing or impeding of the ordinary traffic;

And whereas, the council of the corporation of the City of London on the eighth day of November in the year of our Lord 1897, passed a by-law numbered 1025, granting to the company certain rights for the construction, maintenance and operation of a street railway upon and along High street from Maryboro Place to Tecumseh avenue and Tecumseh avenue from High street to a point distant one hundred and twenty feet westerly therefrom in the Sixth ward in the said City of London, upon and subject to the terms, conditions, agreements, stipulations, regulations, obligations, provisions and things therein contained, a true copy of which said by-law is hereto annexed;

And whereas, these presents are intended to give effect to the said by-law and the same have been approved of by the city solicitor:

Now these presents witness that, in consideration of the granting of the rights and privileges which are by the said by-law granted by the corporation to the company, the company do, for themselves, their successors and assigns, covenant, promise and agree to and with the corporation and their successors in manner following, that is to say:—

That the company do hereby accept the said by-law and that the company, their successors and assigns, will in all things conform to, obey, perform,

perform, observe, fulfil and keep all and every the terms, conditions agreements, stipulations, regulations, obligations, provisions and things in the said by-law contained, upon, under and subject to which the said rights and privileges are by the said by-law granted to the company and will do and perform all acts, matters and things which the said by-law provides are to be done by or on behalf of the company, and will not do anything which the said by-law provides is not to be done by the company.

And the corporation do hereby ratify and confirm the said by-law and the rights and privileges thereby granted to the company, subject, however, to all the terms, conditions, stipulations, regulations, obligations, provisions and things in the said by-law contained

In witness whereof the corporation have caused to be affixed their corporate seal and the Mayor and City Clerk have set their hands and the company have caused to be affixed their corporate seal and their President and Secretary have set their hands the day and year first above written.

Signed, sealed and delivered  
In the presence of  
W. H. DOUGLAS.

{ J. W. LITTLE, [Seal.]  
Mayor.  
C. A. KINGSTON,  
City Clerk.

W. H. DOUGLAS.

{ H. A. EVERETT, [Seal.]  
President.  
C. E. A. CARR,  
Secretary.

## SCHEDULE C.

(Section 2.)

### BY-LAW No. 391 RESPECTING THE LONDON STREET RAILWAY COMPANY.

Whereas the Legislature of the Province of Ontario, on the 29th day of March, 1873, passed an Act entitled "An Act to Incorporate the London Street Railway Company," by which the said company (hereinafter called the company) are authorized and empowered to construct and operate a railway in any of the municipalities adjacent to the City of London, subject to any agreement to be made between the council of such municipality and the company, and under and subject to any by-law of the municipality.

And whereas the Township of London is a municipality adjacent to the said City of London.

And whereas the corporation of the said Township of London (hereinafter called the corporation) and the company, are, by the said Act, respectively authorized to make and enter into any agreements relating to the construction and operation of the said railway.

And whereas the corporation are, by the said Act, authorized to pass any by-law or by-laws for the purpose of carrying into effect any such agreement or agreements.

Be it therefore enacted by the municipal council of the corporation of the Township of London as follows :

1. The consent, permission and authority of the corporation is hereby given and granted to the company to construct, complete, maintain and operate, during the remainder of the term of fifty years from the eighth day of March, A.D. 1875, a surface electric street railway, on the trolley system, consisting of a single track with one turnout or switch for the passage



sage of cars, carriages and other vehicles adapted to the same upon and along that portion of the road allowance between the first concession and concession "C" of the Township of London, commonly called the Governor's road, lying between the easterly limit of the City of London and the track of the Stratford branch of the Grand Trunk Railway, and to erect all necessary poles and wires, electric appliances and overhead construction along such road allowance for the completion of the railway on the trolley system and to operate such railway by running cars thereon by means of electricity as a motive power during the term herein specified, upon and subject to the conditions and agreements hereinafter mentioned or contained.

2. The construction of the said Electric Street Railway shall be completed and the electric cars running efficiently on the same within six weeks after the Engineer for the corporation has given a certificate to the company declaring that the highway has been graded, gravelled and repaired to his satisfaction in accordance with the terms of an agreement between the parties hereto bearing even date herewith, and on default of which all the privileges granted to the company by this by-law shall cease, but in case, from any cause whatsoever, the said grading shall not have been done and the said road placed in repair to the satisfaction of the said Engineer on or before the first day of October, A. D. 1897, all the privileges granted to the company by this by-law shall cease and determine.

3. The tracks of the said Railway, and all works necessary for constructing and laying the same, shall be built and made in a substantial manner, and according to the best modern practice, under the supervision of the Engineer of the corporation and to the satisfaction of the said Engineer, and the roads in which any work is done by the company shall, by and at the expense of the company, who shall furnish at their own expense all necessary materials, be left in as good a state and condition, and to the satisfaction of the said engineer when the rails are laid, and the other necessary work of the company is done, as they were at the time they were broken up, opened or interfered with by the company.

4. The said railway shall be of the gauge of four feet eight and one-half inches, and the rails shall be what are known as "T" rails, and shall weigh not less than fifty-six pounds per yard and be of a similar pattern to that used on Dundas Street in the Village of London West, and the same shall be laid, kept and maintained flush with the said streets, and in such manner as shall least obstruct the free and ordinary use of the streets and the passing of vehicles and carriages over the same.

5. The said railway shall be laid in the centre of the street and where a switch or turnout is used the same shall be laid so that the inside rail of each track shall be within two feet of the centre line of the street.

6. (1) The tracks shall conform to the grade of the said road as the same shall be established by the Engineer of the corporation before the commencement of the work, and the said Engineer shall immediately after the said grading has been done to his satisfaction give his certificate to the company to that effect, and shall within one week after the giving of such certificate if requested in writing by the company to do so, give the company the grades, and such notice shall be sufficiently given if mailed by registered letter addressed to the said Engineer at the county buildings in the City of London.

(2) All the work and material necessary to be done and supplied by the Company in order to comply with the provisions of this by-law shall be done and supplied under the supervision and to the satisfaction of the said Engineer.

7. (1) The said road shall be kept and maintained by the company during the continuance of this by-law and of the extension of the company's rights thereunder (if any) in the following shape and condition: The surface of the road shall be level with the rails between the same and shall gradually

gradually and evenly drop from the said rails to the sides at a grade of ten inches in fifteen feet to the lowest point thereon which shall not be nearer than twenty-two feet from the centre line of the road, and from the said lowest point to the said sides of the road for a further distance of two feet on each side thereof shall gradually and evenly rise at a grade of six inches in the said two feet, and the said highway shall be kept properly graded and gravelled to the satisfaction of and under the direction of the said Engineer from the centre line to a distance on each side thereof of at least fifteen feet, and shall be properly drained on each side thereof with tile placed in the bottom of the present ditches in accordance with the plans and specifications attached to an agreement bearing even date herewith and made between the said corporation and the said company, and shall keep the tile drain in good and sufficient repair for the period of five years from the date of the completion of the work as provided in paragraph two hereof, and shall leave the same in good and sufficient repair at the expiration of the said five years, and all the highway for a width of forty-eight feet, being twenty-four feet on each side of the centre line of the road shall be kept free from ruts, hollows, depressions and defects of any description and in thorough repair to the satisfaction of the said Engineer, or renewed from time to time by the company at its own expense to the satisfaction of the said Engineer, all the materials to be furnished by the company and to be satisfactory to the said Engineer, and all the said work to be done to his satisfaction, and when and as required by him.

(2) The company shall construct and maintain in good repair crossings on the said road at the intersection of the said road with any street which the same shall now or may hereafter cross at its own expense.

8. While the rails are being laid, or any of the works of the company are in course of construction or repair, the company shall cause a free passage to be kept open for carriages and vehicles, and all surplus street material shall be either removed or spread over the street, from which the same shall be taken, as shall be directed by the said engineer.

9. The corporation and the council of the corporation and their respective officers, servants and contractors, shall have the right to take up the road and remove the company's tracks therefrom either for the purpose of altering the grades thereof, constructing or repairing all drains, sewers or culverts, or laying down or repairing gas or water pipes, or for any other purpose for the time being within the powers, privileges, duties or obligations of the corporation without being liable to the company for any damage that may be thereby occasioned to the said railway or the works connected therewith or the working thereof, or to the company and the corporation shall not be liable to the company for any damage the company may sustain from the breakage, leakage, or stoppage of sewers or drains or water pipes, or from the exercise by the corporation of any of their said powers.

10. In case the company shall fail to do, to the satisfaction of the said engineer, any work or thing which by the terms of this by-law hereinbefore or hereinafter contained, they are to do, or in case the company shall fail to keep the said highway, crossings and tile drain in a proper and sufficient state of repair in accordance with the terms and provisions hereof, the engineer may give written notice to the company (which may be served by mailing the same addressed to the company at the city of London) specifying in general terms the nature of the work or thing which the company has failed to do or the approximate locality of any such want of repair, and if the company shall not within seven days thereafter have done such work or thing, or put in proper repair such track, street or crossing, to the satisfaction of the said engineer, then such work or thing may be done, and such repair may be made by the corporation or the council thereof at the expense of the company, and the amount so expended may be recovered from the company in any court of competent jurisdiction, and in case of the failure of the company to pay the same for the period of two months after the recovery of a judgment for

any

any amount, all rights and privileges hereby, or by any agreement or by-law of the corporation, heretofore or hereafter granted to the company, shall cease, determine and be at an end. Provided that such delay shall not relieve the company in any case from their liability under the provisions of this by-law to indemnify the corporation against loss or damage arising from the default or neglect of the company to do the work or thing or make the repair, in respect of which such notice shall be given.

11. The said railway shall not be open to the public or put in operation until the said engineer shall have given his certificate in writing that the same has been constructed in all respects conformably to the provisions of this by-law.

12. After the said railway has been constructed, before commencing any future work of alteration or repair, the company shall give to the said engineer, notice of their intention so to do and no more than one hundred lineal feet of the highway shall without his authority in writing be broken up or open at any one time or place and when the work of such alteration or repair shall have been commenced the same shall be proceeded with without intermission and as speedily as the same can be carried on with due regard to their proper alteration or repair, and subject to the supervision of the said engineer.

13. During the construction or repair of the said railway or of any work in connection therewith, due and proper care shall be taken to leave sufficient space and crossings so that the traffic on the said highway and streets running into or crossing the same shall not be unnecessarily impeded, and that lights, barriers or watchmen, and all other efficient means and precautions shall be provided, taken and kept by the company when and where the same shall be necessary, or shall be required by the said engineer and to his satisfaction to prevent accidents or injury.

14. It shall be lawful for all and every person or persons whatsoever to travel upon and use the said tracks except for street railway purposes with horses, carriages or other vehicles, loaded or not, when and so often as they may please, so that they do not unnecessarily impede or interfere with the cars of the company running thereon.

15. The company shall construct, maintain and operate their system without causing any injury to or interference with any system of water-works, telegraph, telephone, electric light, gas, fire alarm or other service now or hereafter, having the use of or being operated in, upon or under the said highway and shall be liable for all damages arising from or by reason of the construction, maintenance or operation of their railway system, and shall from time to time adopt and use the best modern means satisfactory to the said engineer to prevent any such injury or interference as aforesaid, and should the company fail to adopt and use such means the corporation may adopt and use the same, and charge the cost thereof to the company who shall pay the same to the corporation on demand.

16.—(1) The company shall indemnify and save harmless the corporation at all times from all loss, damages, costs, charges and expenses of every nature and kind, whatsoever which the corporation may incur, be put to, or have to pay by reason of the exercise by the company of their powers or any of them, or by reason of neglect by the company in the executing of their works or any of them, or by reason of the improper execution of their works or any of them, or by reason of the said works becoming unsafe or out of repair, or by reason of the neglect or failure of the company to remove any snow or ice which it is their duty to remove under the provisions of this by-law or by reason of the neglect, failure or omission of the company to do or permit anything herein agreed to be done or permitted, or by reason of any act, default or omission of the company or otherwise howsoever, and should the corporation incur, pay or be put to any such loss, damages, cost, charges or expenses the company shall forthwith, upon demand, repay the same to the corporation.



(2) The company shall, by the use of guard-wires or other sufficient means, protect all telegraph, electric light, telephone and other wires from contact with the electric wires which may be used by the company for the working of their railway. The said engineer shall be the judge as to the sufficiency of the means from time to time to be adopted for the purposes aforesaid, and his decision in the premises shall be binding on the corporation and the company.

17.—(1) The company shall place and continue on said railway new combination motor cars of the same pattern and equipment as those now being used in the City of London, and the company for this purpose to have the right to build a loop, “y” or turntable at or near the eastern and western terminus of its route, and at or near such points to construct its track across the said highway so as to obtain access to other property upon which to construct such loop, “y” or turntable, and all cars whether motor cars or not used by the company shall contain all the modern improvements, for the convenience and comfort of passengers, including lighting and heating and shall be lighted and heated at such hours and for such periods of the year as are required by the engineer of the City of London for cars running in the city, and the platforms shall be provided with gates or bars, and each car shall be supplied and maintained with fenders of the most improved design, for the safety of the public, and with vestibules for the protection of the motormen, and all such gates, bars, fenders and vestibules shall be the same as are used upon the company’s cars in the City of London. The said cars shall be kept clean inside and out, and no business signs shall be carried on the outside of the cars except hangers advertising entertainments; and the company shall improve their cars from time to time so that the same shall at all times be in every respect equal to their cars in use in the said City of London.

(2) Cars shall not be crowded, and the number of passengers for each car shall be the number approved of by the engineer of the City of London with respect to cars running in the city, and no greater number of passengers shall be carried upon, or permitted to be in any car than the number so authorized, if any passenger on board the car objects and calls the attention of the conductor to the crowding.

18. If the company shall at any time permit any portion of the highway which is to be kept in repair by the company, to become out of repair or in such condition as in the opinion of the said engineer it ought not, having regard to the terms of this by-law to be, the said engineer may give to the company written notice which may be served by mailing the same by registered letter addressed to the company (at the said City of London) specifying in general terms the approximate locality so by him considered to be out of repair or in such condition and if the same shall not have been within seven days thereafter put in proper repair and condition by the company to the satisfaction of the said engineer, then the company shall not if so required by the corporation operate its railway until the said engineer shall have certified that all necessary repairs and changes have been made to his satisfaction. Provided that such delay shall not relieve the company in any case from their liability under the provisions of this by-law to indemnify the corporation against loss or damage arising from the default or neglect of the company to do the work or thing, or make the repair in respect of which such notice shall be given.

19.—(1) The privileges granted by this by-law shall extend until the eight day of March, 1925, and the corporation may, after giving at least one year’s notice prior to the expiration of the said term of their intention so to do, assume at the expiration of the said term the ownership of the said railway of the company on payment of the value thereof to be determined by arbitration, and any arbitration under this section shall be subject to the provision of *The Consolidated Municipal Act, 1892*, and of the Act respecting arbitrations and references, or any Acts substituted therefor, or for the time being dealing with said matters, and the arbitrators shall have all the powers of arbitrators appointed under the said Act, and each party shall pay half the costs of the arbitration.



(2) After the corporation shall have given such notice they may at once proceed to arbitrate under the conditions in that behalf, and both the corporation and the company shall in every reasonable way facilitate such arbitration, and the arbitrators appointed in the matter shall proceed so as, if possible, to make their award not later than the expiration of the said term, but if from any cause the award shall not be made by such time, or if either party be dissatisfied with the award, the corporation may nevertheless take possession of the said railway on paying into court the amount of such award if the award be made, or if not, on paying into court or to the company such sum of money as a judge of the High Court of Justice may, after notice to the company, order, and upon and subject and according to such terms, stipulations and conditions as the said judge shall by his order direct and prescribe, provided always that the rights of the parties, except in so far as herein specially provided, shall not be affected or prejudiced thereby. In determining such value the rights and privileges hereby granted, and the revenue, profits and dividends being or likely to be derived from the enterprise are not to be taken into consideration, but the arbitrators are to consider only the actual value of the actual and tangible property and plant connected with said railway, but no allowance will be made in respect of pavements.

(3) In the event of the corporation not exercising at the expiration of the said period of fifty years from the eighth day of March, A.D. 1875, the right to take over the railway, the corporation may at the expiration of any fifth year thereafter, and so at the expiration of periods five years reckoned from the expiration of the previous five years exercise such right upon giving not less than one year's previous notice to the company of their intention so to do, and the privileges, duties, obligations and liabilities hereunder of the company shall continue until the ownership is assumed by the corporation as aforesaid or possession taken under the provisions of this section as above mentioned. Provided always that whenever the corporation exercise such right of taking over the said property the provisions for determining the value thereof herein contained and the other provisions of sub-section 2 of this section shall apply *mutatis mutandis* in the same manner as if the corporation had exercised their rights at the expiration of the said period of fifty years, that is to say, on the eighth day of March, A.D. 1925.

(4) In the event of the company's railway in the city of London being assumed and taken over at any time by the corporation of the city of London pursuant to section 20 of by-law No. 916 of the said city of London, and in the event of the corporation of the township of London not desiring to assume the railway pursuant to the provisions of the first, second and third sub-sections hereof, then the said company shall have, firstly, the right to cease to operate the railway hereby authorized to be constructed, and may remove their rails, ties, poles, wires and all other plant and material connected with their said railway, but shall leave the said highway in a thorough state of repair, and shall remove all ties and fill up all holes with good gravel well pounded so that the said highway shall be in every respect in as good repair as it is required to be under the terms of this by-law. or, secondly, the said company may assign all their franchise, rights and privileges granted hereunder to the said corporation of the city of London, or to any other corporation, person or persons for the time being, the owners of the franchise and property of the London Street Railway Company upon the said corporation or corporations, person or persons entering into an agreement with the said corporation of the township of London, containing the same or similar terms, conditions and provisions as are set out in this by-law and in the agreement between the said parties hereto. Provided always that the corporation shall not have the right to exercise the powers contained in the preceding sub-sections hereof, unless the corporation of the city of London take advantage of the provisions for arbitration contained in section 20 of by-law No. 916; and provided further that, in the event of the corporation giving notice for arbitration in this section mentioned, it may discontinue the same at any time before the arbitrators are appointed.

20. The company in constructing their said railway, will, so far as practicable so to do, employ residents of the township of London.

21. Only one turnout shall be laid on the said railway between its terminal points, and the said turnout shall not be more than two hundred and fifty feet in length and shall be located opposite to or at the intersection of Nightingale Avenue unless leave is given to change the location of the same by resolution of the council.

22. The following rules and regulations in regard to the working of the railway shall be observed by the company :—

- (a) The cars to be used on the said railway shall be propelled by electricity as the motive power, and smoking will be allowed on the rear two seats and rear platforms of open cars.
- (b) The council of the corporation may require that the cars used shall commence running from the easterly terminus of the railway hereby authorized to be constructed as early as 6.30 o'clock in the forenoon of each day of the year, and that they shall continue to run for sixteen and one-half hours thereafter, the last car going east to leave the corner of Dundas and Richmond Streets in the city of London not earlier than eleven o'clock p.m., and shall run through to the easterly terminus of the railway hereby authorized to be constructed, but the company may at their own option run their cars for more than sixteen and one-half hours in each day.
- (c) The company shall use only passenger cars, mail and express cars, cars used for the construction of the company's railroad whilst the same is being constructed, cars for hauling gravel, cars for street watering, snow cars for the purposes mentioned in this by-law, and such other cars as the council of the corporation may from time to time by by-law permit, and all cars of every description used by the company shall be used and run under and subject to such regulations as the council of the corporation may from time to time by by-law prescribe.
- (d) The company may charge and collect from every person on entering any of their cars for a continuous journey of any distance on their railway hereby authorized to be constructed from any point thereon to any other point, a sum not exceeding three cents or one city ticket which shall be accepted by the company in lieu of the cash fare of three cents, and shall sell tickets at the price of twenty-five cents for five tickets, each ticket to entitle the holder to one continuous journey on the cars as aforesaid between any point upon the railway hereby authorized to be constructed and any point on the company's railway in the city of London as now existing or hereafter in any way extended, and from any point on the company's railway in the city of London as now existing or hereafter in any way extended to any point on the railway hereby authorized to be constructed, and shall also carry children free where such children are under five years of age accompanied by a parent or other person having them in charge; children between the ages of five and twelve years shall be carried for a cash fare of three cents, and the company shall sell seven children's tickets good for children between the ages of five and twelve years, at the price of twenty-five cents, and said tickets shall entitle the said children to be carried upon the company's cars between any point upon the railway hereby authorized to be constructed, and any point on the company's railway in the said city of London as now existing or hereafter in any way extended, and from any point on the company's railway in the said city of London as now existing or hereafter in any way extended to any point on the railway hereby authorized to be constructed.

And

And the company shall also carry free of charge all police constables in uniform, all health inspectors and other officers of the corporation in uniform or wearing badges. The fare set out in this section shall not apply to chartered or private cars.

- (e) Cars running in the same direction or in opposite directions on the same track shall not approach each other within the distance of sixty feet except in cases of accident or when it may be necessary to connect them together, or at stations and turn-outs, and the rate of speed of all cars shall be from time to time subject to the direction of the said Council of the Corporation, and the rates of speed may vary on different parts of the line.
- (f) No car shall be allowed to stop on or over a crossing or in front of any intersecting streets, except to avoid collision or to prevent danger to persons in the streets or for other unavoidable reasons, and no cars shall be left or remain standing in the street at any time unless waiting for passengers, and no more than three cars shall be coupled together.
- (g) There shall be no less than two men in charge of each motor car, and at least one man in charge of each trailer or other car.
- (h) Careful, sober and civil agents, conductors and officers shall at all times be employed to take charge of the cars on the said railway.
- (i) It shall be the duty of the motorman in charge of cars while on the road to keep a vigilant watch for all teams, carriages and persons on foot (and especially children) either upon the track or moving towards it, and to stop the car in the shortest time and space possible on the slightest appearance of danger.
- (j) The conductor shall announce to the passengers the names of the streets as the car approaches them.
- (k) The conductors and motormen shall bring the cars to a stop (when passengers request to get on or off the cars) at all street intersections and such other places as may be from time to time designated by the said Engineer, provided that two stopping places are not so designated within the distance of 400 feet.
- (l) The conductor shall not allow any woman, or child, or aged or infirm person to enter or leave the car while in motion, and no passenger shall be allowed to enter or leave the cars on the left side (looking forward) of the car.
- (m) The cars after sunset shall be provided with colored signal lights and a bright head-light on every motor car, all to be the same as those approved of by Engineer of the City of London, for cars running upon the Company's lines in said City, and each motor car shall have a gong attached to it which shall be kept ringing at all times when approaching a crossing, or when necessary to give warning.
- (n) The cars shall be entitled to the track, and any horse or vehicle upon the track of the Company shall turn out when any car comes up so as to leave the track unobstructed, but a reasonable time and notice by ringing of gong shall be given by the motorman, and anyone placing an obstruction upon a track except as authorized by this by-law, or the driver of any vehicle refusing to turn out when requested so to do by the motorman of any car shall be liable to a penalty not exceeding ten dollars, and the costs of prosecution on conviction before a Justice of the Peace for the County of Middlesex, and such penalty may be imposed for every day such obstruction may continue, but the imposition of any penalty under this by-law shall



shall not relieve the persons causing such obstruction from liability for damages or from any other liability or penalty imposed by law ; but if any person or persons shall have any cause to remove any building or other large and heavy substance, such person or persons shall be allowed reasonable and sufficient time between the hours of 11 p. m. and 6 a. m. to remove, load or unload the same without being liable to the penalty attached by this sub-section provided that any person or persons before removing any building along or across the railway track shall first obtain the consent in writing of the said Engineer for such removal and shall give reasonable notice thereof to the Secretary or Manager of the Company and shall pay the Company the cost of cutting their wires and splicing them.

- (o) Ten hours shall constitute a working day and no employee of the company shall be permitted to work in the service of the company for a longer period than 240 hours in any lunar month.
- (p) Any conductor or other employee of the company who shall request or demand from any passenger more than the fare prescribed by this by-law shall, on conviction thereof in the magistrate's court, pay a fine of not less than five dollars for each offence.
- (q) The company shall keep a sufficient supply of tickets for sale upon all their cars and service on the said railway and they shall sell tickets to all persons desiring to purchase the same at the rates mentioned in sub-section "d" of section 22 hereof, and each conductor or person in charge of a car shall furnish necessary change to the amount of two dollars but not more, when required by any passenger.
- (r) The speed and services necessary on the said railway shall be determined from time to time and may be altered, changed or varied by the order of the said engineer, approved by the council of the corporation, and there shall not be more than sixty minutes between two successive cars running in the same direction on the said railway.
- (s) In case the electric motors or cars used by the company in operating the railway hereby authorized to be constructed, whilst passing along the said railway, cause alarm to any horses travelling or being upon or near the Governor's Road with vehicles or otherwise, the motorman shall, if necessary, stop the cars to enable the horses so alarmed to pass without accident or injury.

23. In case of a breach on the part of the company of any of the provisions of the foregoing regulations lettered *b, c, d, f, g, l, m, o, q*, the company shall pay to the corporation for every day in which default or breach shall happen, as liquidated and ascertained damages, the sum of ten dollars, and, in case such breach of any of the said regulations lettered *d, q* and *r*, shall continue for ten days after notice in writing forbidding it shall have been given by the corporation to the company, the corporation may put an end to the powers conferred on the company by this by-law, or any other by-law or agreement heretofore or hereafter passed or made, and in that event the corporation may exercise the other powers contained in section 38*b*.

24. The company shall from time to time adopt and use all the most improved safe-guards against and means of preventing accidents and injury in the working and running of their railway, and the same shall be from time to time similar to those approved of and used on the company's cars in the said City of London.



25. No motive power other than electricity shall be used by the company, except with the approval of the corporation, unless in cases of accident or necessity, and then only under the written permission of the said engineer, when horses or mules may be used for the time so permitted by the said engineer.

26. The company shall not in any case connect any of their wires with any underground water or other pipes or mains.

27. It is hereby reserved to the council of the corporation to make, and the council shall have the right to make such further rules, regulations, orders and by-laws in relation to the repairs and operations of the said railway as from time to time may be deemed necessary to protect the interests of the corporation, and to provide for the safety, welfare, or accommodation of the public, but no alteration in these rules shall be made which shall have the effect of impairing the substantial rights of the company under this by-law.

28. Nothing herein contained shall entitle the company to run their cars or operate their railway on Sunday.

29.—(1) The poles to be used for the company's wires may be iron or wooden poles, and, if wooden, the poles shall all be straight and perpendicular, and as nearly as possible of the same shape and size, and shall be dressed throughout, and shall be painted, and shall be placed on the sides of the road close to the sidewalk unless otherwise directed by the said engineer.

(2) In case any pole shall be placed or erected otherwise than in accordance with the provisions of this section, the corporation may require it to be immediately removed and replaced by a proper one.

30.—(1) Whenever the company shall remove any snow or ice from their tracks, or any part thereof, the same shall be entirely removed by them from the highway, or shall be evenly spread over the highway under the direction and to the satisfaction of the said engineer, if and so long as the engineer directs the company by notice so to do, and whenever the snow and ice is removed from their tracks, the company shall, when removing the same, slant down the adjoining snow and ice to such a distance outside of the tracks as to make the highway safe and even for the travelling public, and to the satisfaction of the said engineer.

(2) In the event of the company neglecting to remove or level the snow and ice from the said roadway, as and when directed by the said Engineer, the same may be removed by the said Engineer acting on behalf of the corporation, and the cost of such removal shall be paid by the company to the corporation on demand.

31. Nothing in the next preceding section contained shall be deemed to authorize or permit any person to deposit on the said roadway any snow or ice.

32. The company shall not use salt for the removal of any snow or ice.

33. All rights hereby granted are so granted subject to any existing rights, statutory or otherwise, which are now possessed by any gas, telegraph, telephone, electric light or other company, in or in respect of the said highway.

34. In all the section of this by-law in which the time of the day is mentioned, such time shall be understood to mean what is known as eastern standard time.

35. Should the company at any time cease to regularly use for the purposes of their railway, for a period of five months, the poles and wires and overhead appliances and construction which shall be placed by the company in the road, the said Engineer or the council of the corporation may give written notice to the company (which may be served by leaving the same at the office of the company in the said City of London, or by

mailing the same by registered letter addressed to the company at the said City of London) directing the company to remove the said poles and wires and overhead appliances and construction, and, if the company shall not within one month after the service of such notice, at their own expense, remove such poles, wires and overhead appliances and construction and put the streets in proper repair, and to the satisfaction of the said Engineer, the corporation may do so and charge the expense thereof to the company, who shall pay the same to the corporation on demand.

36. All passenger cars running on the company's railway within the limits of the corporation of the Township of London shall make a continuous trip without transfer between the corner of Dundas Street and Richmond Street in the City of London and the eastern terminus of the railway hereby authorized to be constructed and return, except during the holding of the Western Fair or any holiday.

37.—(1) The company shall, if required so to do by the corporation, receive and forward with all diligence and despatch free of charge, except as hereinafter provided, the passenger, mail, express, freight and baggage cars, and the passengers and goods thereon of all radial or other electric railway companies, which may during the continuance of this by-law, or of the rights of the company thereunder, desire the company so to do, over the tracks of the company hereby authorized to be constructed, the company to have charge and control of all cars while the same are passing along their tracks, and to furnish motormen and conductors for that purpose. The company to have the right to collect the regular fares as provided by this by-law, from all passengers on the said cars hauled by them as aforesaid, and all such passengers shall be entitled to transfers to any part of the city from the said radial or other electric railway company's cars to and upon the company's cars or vice versa, upon payment of one city fare to the company. The compensation to be paid for hauling mail, express, baggage and freight to be, in case the parties differ about the same, determined by arbitration in the same manner as provided in section 20 hereof, but in determining the said price to be paid, the said arbitrators shall not take into consideration the franchise of the said company but shall fix a reasonable compensation therefor, having regard only to the operating expenses of the said road.

(2) In case the company refuse or neglect to carry out any of the provisions of sub-section 1 of this section to the satisfaction of the corporation of the said radial or other electric railway company or companies, the matter in dispute and the damages (if any sustained thereby) shall be determined by arbitration in the same manner as provided in section 20 hereof, and the corporation, the company or any of the said radial electric railway companies shall be entitled to enforce the said award. In case of an arbitration between the company and any other person or company under the provisions of this section, the arbitrator to be appointed on behalf of such company or person shall be appointed by such company or person and not by the corporation.

(3) In all arbitrations under this by-law the majority of the arbitrators shall be competent and are hereby authorized to make an award, and an award so made shall be as valid and binding as if assented to by all the arbitrators.

37. (b) In the event of part of the Township of London in which is situate the whole or part of the said highway is incorporated with and becomes part of the City of London, then the provisions herein contained for maintenance and repair shall, as to the part of the highway so incorporated, become null and void, but the provisions for repair and maintenance provided by said by-law No. 916 of the City of London, or as the same may be hereafter amended, shall become and be applicable to such part of the highway so incorporated as aforesaid.

38. In case of non-payment of any fine and costs imposed under sub-section (n) or sub-section (p) of section 22 of this by-law, the same may be levied by distress and sale of the goods and chattels of the offender ;  
and

and, in case of non-payment of the fine, and there being no distress found out of which the same can be levied, such offender shall be liable to be imprisoned in the common gaol of the County of Middlesex, with or without hard labour, for any period not exceeding twenty-one days.

38. (b) In the event of the company failing or neglecting to construct their said railway as hereinbefore provided in substantial conformity with the provisions of this by-law, or in the event of the company failing or neglecting for the space of thirty days to maintain and operate their said railway in substantial conformity with the provisions of this by-law, or for the space of thirty days, whether consecutive or not, in any year, the corporation, by resolution of the council thereof, may declare that all the privileges and rights which the company may have acquired by this or any other by-law hereafter passed, or by any agreement with the corporation heretofore or hereafter made, are at an end, and may repeal the by-laws connected therewith, and the said privileges and rights shall thereupon cease and be at an end accordingly, and the said agreements rescinded, and in such case the corporation shall have the right to require all obstructions and materials placed in said streets by the company under any such by-law or agreement to be removed therefrom and the said streets put in as good condition and repair as they were before the said materials and obstructions were placed therein, and the expense thereof shall be paid to the corporation by the company; and the corporation shall also have the right to run the said railway and to grant the same rights and privileges to any other company free from all liability or damage on account thereof.

39. The corporation will join with the company in applying to the Legislature of the Province of Ontario for legislation confirming and ratifying this by-law and the agreement to be entered into between the corporation and the company referred to in the forty-first section hereof and declaring the same to be valid and binding upon the parties hereto, all expenses in connection with the procuring of such legislation to be paid and borne by the company, providing that the Act of the Legislature so confirming and ratifying this by-law and the said agreement shall contain as a section thereof the words following, or to the like effect, that is to say:

“If the company shall fail or neglect to keep, observe, perform or comply with any of the provisions of this by-law, in which the residents of the municipality, or the corporation or any other person or corporation are interested, then, in addition to all other remedies by law enforceable against the company, the corporation may bring an action in the high court of justice against the company, and all other necessary parties, to compel the keeping, observing, performing of and complying with such provisions; and the court shall have full power and jurisdiction in the premises, and to enforce by injunction or otherwise, the due observance, performance and fulfilment by the company and its officers and other persons of all provisions of this by-law in which residents of the municipality or the corporation or any other person or corporation are interested.”

40. The word “engineer” wherever it refers in this by-law to the engineer of the corporation shall mean the present county commissioner of the county of Middlesex or his successor in office, or such other person as may from time to time be designated and appointed by resolution of the council of the corporation to perform the duties of engineer under this by-law, and shall not mean the engineer appointed by the said council of the corporation under *The Ditches and Watercourses' Act*, or under *The Drainage Act*.

41. This by-law and the powers and privileges hereby granted shall not take effect or be binding on the corporation unless or until formally accepted by the company within forty days after the passing thereof by an agreement which shall legally bind the company to pay to the corporation the sums mentioned in this by-law, and to perform, observe and comply with all the agreements, obligations, terms and conditions herein contained,



contained, and shall be approved by the solicitors for the corporation and such agreement when so approved, shall also be executed under the seal of the corporation and the reeve thereof.

Passed in open council, this fourteenth day of August, A.D. 1897.

(Sgd.) JAS. H. HODGINS,  
Reeve.

(Sgd.) JAMES GRANT,  
Clerk.

[Seal]

---

ARTICLES OF AGREEMENT made the fourteenth day of August, A.D. 1897, between the corporation of the Township of London (hereinafter called the corporation), of the first part; and the London Street Railway Company (hereinafter called the Company), of the second part.

Whereas, by an Act of the Legislature of the Province of Ontario passed on the 29th day of March, A.D. 1873, entitled *An Act to incorporate The London Street Railway Company*, it is amongst other things provided that the council of the corporation and the company may make and enter into any agreements or covenants relating to the construction of the said railway for the paving, macadamizing, repairing and grading of the streets or highways, and the construction, opening of and repairing of drains or sewers, and the laying of gas and water pipes in the said streets and highways; the location of the railway and the particular streets along which the same shall be laid; the pattern of the rail, the time and speed of running the cars, the time within which the works are to be commenced, the manner of proceeding with the same and the time for completion and generally for the safety and convenience of passengers; the conduct of the agents and servants of the company and the non-obstructing or impeding of the ordinary traffic.

And whereas the council of the corporation on the fourteenth day of August, in the year of our Lord one thousand eight hundred and ninety-seven, passed a by-law numbered 391, granting to the company certain rights for the construction, maintenance and operation of a street railway upon and along that portion of the road allowance between the first concession and concession "C" in the township of London, commonly called the Governor's Road, lying between the easterly limit of the city of London and the track of the Stratford branch of the Grand Trunk Railway, upon and subject to the terms, conditions, agreements, stipulations, regulations, obligations, provisions, and things therein contained, a true copy of which said by-law is hereto annexed.

And whereas these presents are intended to give effect to the said by-law and the same have been approved of by the corporation solicitor.

Now these presents witnesseth that in consideration of the granting of the rights and privileges which are by the said by-law granted by the corporation to the company, the company do, for themselves, their successors and assigns, covenant, promise and agree to and with the corporation and their successors in manner following, that is to say:

That the company do hereby accept the said by-law, and that the company, their successors and assigns, will in all things conform to, obey, perform, observe, fulfill and keep all and every the terms, conditions, agreements, stipulations, regulations, obligations, provisions and things in the said by-law contained, upon, under and subject to which the said rights and privileges are by the said by-law granted to the company, and will do and perform all acts, matters and things which the said by-law provides shall be done by or on behalf of the company, and will not do

anything



anything which the said by-law provides is not to be done by the company, and the corporation do hereby ratify and confirm the said by-law and the rights and privileges thereby granted to the company, subject however to all the terms, conditions, agreements, stipulations, regulations, obligations, provisoes and things in said by-law contained.

In witness whereof the corporation have caused to be affixed their corporate seal and the Reeve and Clerk have set their hands and the company have caused to be affixed their corporate seal and their President and Secretary have set their hands the day and year first above written.

Signed, sealed and delivered  
in the presence of

E. R. CAMERON.

{	JAS. H. HODGINS,	
	Reeve.	[Seal]
{	JAMES GRANT,	
	Clerk.	
{	H. EVERETT,	
	President.	[[Seal]
{	C. A. E. CARR,	
	Secretary.	

## CHAPTER 98.

## An Act to incorporate The Nepigon Railway Company.

*Assented to 1st April, 1899.*

## Preamble.

WHEREAS Paul Weidner, of the City of Detroit in the State of Michigan, one of the United States of America; and A. M. Wiley, Alexander McComber, Thomas Massey, and Thomas A. Gorham, all of the Town of Port Arthur, in the District of Thunder Bay and Province of Ontario, have by their petition prayed for an Act of incorporation under the name of "The Nepigon Railway Company," for the purpose of constructing and operating a railway from some point at or near Nepigon Station, on the line of the Canadian Pacific Railway, thence in a northerly direction to the shore of Lake Nepigon, and branch lines not exceeding twelve miles in length; and it has been represented that the line of the railway of the company so to be incorporated will, for the most part, be constructed in the unorganized part of the Province; and it is proposed to operate the same by steam or electricity; and whereas, owing to the location of the line of the said railway, the provisions of *The Electric Railway Act* are not applicable to the company so to be incorporated, and the said petitioners have prayed that there may be conferred upon them the powers ordinarily given upon the incorporation of a railway to be operated by steam; and whereas for the reasons aforesaid the circumstances of the said proposed line of railway are exceptional; and whereas it is expedient to grant the prayer of the said petition.

Therefore,

Therefore, Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :

1. Paul Weidner, A. M. Wiley, Alexander McComber, Incorporation Thomas Massey, Thomas A. Gorham, and such other persons and corporations as shall hereafter become shareholders of the company hereby incorporated are hereby constituted a body corporate and politic under the name of "The Nepigon Railway Company," hereinafter called "the company."

2. The company is hereby authorized and empowered to Location of line. survey, lay out, construct, complete, equip and maintain a railway to be operated by steam or electricity with single or double iron or steel tracks from some point at or near Nepigon Station, on the line of the Canadian Pacific Railway, in the District of Thunder Bay, thence in a northerly direction to some point on the shores of Lake Nepigon ; and to construct and operate one or more branch lines of railway, each branch not to exceed twelve miles in length ; and the said railways or any part thereof, so far as the same may be operated by electricity, may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to the restrictions and provisions therein and in this Act contained, and under and subject to any agreements between the company and the councils of any of the said corporations and between the company and the road companies (if any) interested in such highways ; and the company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway subject to the provisions and conditions contained in this Act and in *The Municipal Act*. Rev. Stat. c. 223.

3. The gauge of the said railway shall be four feet eight Gauge. and one half inches.

4. The said Paul Weidner, A. M. Wiley, Alexander McComber, Provisional directors. Thomas Massey and Thomas A. Gorham with power to add to their number, shall be and are hereby constituted a board of provisional directors of the company, of whom a majority shall be a quorum, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

5. The said board of provisional directors shall have power Powers of provisional directors. forthwith to open stock books and procure subscriptions of stock for the undertaking, and to allot the stock, and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect of their stock, and to sue for and recover the same ; and to cause plans and surveys to be made, and to receive for the company any grant, loan, bonus or gift

Rev. Stat.  
c. 207.

gift made to it or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as under *The Railway Act of Ontario*, are vested in ordinary directors. The said directors or a majority of them, or the board of directors to be elected as hereinafter mentioned may, in their discretion exclude anyone from subscribing for stock who, in their judgment would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if, at any time a portion, or more than the whole stock shall have been subscribed, the said provisional directors, or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the town of Port Arthur, in the district of Thunder Bay, or at such other place as may best suit the interests of the company.

Conveyance  
of land to  
company.

6. Conveyances of lands to the company for the purposes of, and powers given by this Act, made in the form set forth in Schedule A, hereunder written, or to the like effect, shall be sufficient conveyance to the company, their successors and assigns, of the estate or interest therein mentioned, and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in such manner, and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Subscriptions  
for stock when  
binding.

7. No subscription for stock in the capital of the company shall be binding on the company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Aid to rail-  
way.

8. The company may receive, from any government or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same aid towards the construction, equipment or maintenance of the said railway, by way of gift, bonus or loan of money or debentures or other securities for money, or by way of guarantee upon such terms and conditions as may be agreed upon.

Capital stock.

9. The capital stock of the company hereby incorporated shall be \$250,000 (with power to increase the same in the manner



manner provided by *The Railway Act of Ontario*), to be divided into 2,500 shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in the company, and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway, and to the other purposes of this Act.

**10.** When and as soon as shares to the amount of \$50,000 of capital stock in the said company shall have been subscribed, and ten per centum paid thereon into some chartered bank of the Dominion having an office in the Province of Ontario, to the credit of the company, and which shall, on no account, be withdrawn therefrom unless for the services of the company, the said provisional directors, or a majority of them, shall call a general meeting of the shareholders for the purpose of electing directors of the company, giving at least four weeks' notice of such meeting by advertisement in *The Ontario Gazette*, and in at least one newspaper published in the said Town of Port Arthur, of the time, place and purpose of the said meeting.

Rev. Stat.  
c. 207.  
First election  
of directors,

**11.** At such general meeting the shareholders present either in person or by proxy, who shall at the opening of such meeting have paid up ten per centum on the stock subscribed by them, shall elect not less than five, and not more than seven persons to be directors of the company in manner and qualified as hereinafter mentioned, who shall constitute a board of directors, and shall hold office until the next general annual meeting, and a majority of the directors shall form a quorum of the board, and may pass such rules, regulations and by-laws as may be deemed expedient and are not inconsistent with this Act and *The Railway Act of Ontario*; and the said board may employ and pay one of their number as managing director.

Number of  
directors  
and quorum.

**12.** No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the company, and unless he has paid up all calls thereon.

Qualification  
of directors.

**13.** The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railway is to pass, together with the map or plan thereof, and of their course and direction, and of the lands intended to be passed over and taken therefor so far as then ascertained, and also the book of reference for the railway, and to deposit the same, as required by the clauses of *The Railway Act*

Power to con-  
struct line in  
sections.

Rev. Stat.  
c. 207.

*Act of Ontario* and the amendments thereto with respect to plans and surveys, by sections or portions less than the length of the whole railway authorized, of such length as the company may from time to time see fit so that no one of such sections or portions shall be less than ten miles in length; and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the said *Railway Act* and the amendments thereof applied to, included in or incorporated with this Act shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of their whole course and direction, and of the lands intended to be passed over and taken, and the book of reference of the whole of said railways had been taken, made examined, certified and deposited according to the said clauses of the said *Railway Act* and the amendments thereof with respect to "plans and surveys."

Rights of  
aliens.

**14.** Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors of the company.

Calls on stock.

**15.** The directors may, from time to time, make calls as they shall think fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call as provided in section 17 of this Act.

Payments in  
stocks or  
bonds.

**16.** The provisional directors, or the elected directors may pay, or agree to pay in paid up stock, or in the bonds of the company, such sums as they may deem expedient, to engineers or contractors or for right of way, or material, plant or rolling stock, and also, when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters or other persons who may be employed by the directors in furthering the undertaking, or for the purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not; and any agreement so made shall be binding on the company.

Head office  
and general  
annual meet-  
ing.

**17.** The head office of the company shall be at the said Town of Port Arthur, and the general annual meeting of the shareholders of the company shall be held in such place in the said Town of Port Arthur, on such days, and at such hours as may be directed by the by-laws of the company; and public notice thereof

thereof shall be given at least four weeks previously in *The Ontario Gazette*, and once a week in one newspaper published in the said Town of Port Arthur during the four weeks immediately preceding the week in which such meeting is to take place.

18. Special general meetings of the shareholders of the said company may be held at such places, and at such times, and in such manner and for such purposes as may be provided by the by-laws of the company, and upon such notice as is provided in the last preceding section. Special general meetings.

19. At all meetings of the company the shareholders thereof may vote by proxy and the proxy may be appointed in such manner and by such means as the by-laws of the company may provide, but no person shall be qualified to be so appointed who is not himself a shareholder in the company. Proxies.

20. The directors of the company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of \$20,000 for each mile of the said railway and branches, and the provisions of sub-sections 19, 20, 21, 22 and 23 of section 9 of *The Railway Act of Ontario* shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to, and in conformity with the provisions of the said sub-sections. Issue of bonds.  
Rev. Stat. c 207.

21. All such bonds, debentures and other securities and coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, and any holder of any such securities so made payable to bearer, may sue at law thereon in his own name. Bonds, etc., how payable.  
Transfer of bonds.

22. The company shall have power and authority to become parties to promissory notes and bills of exchange, for sums not less than \$100, and any such promissory note or bill of exchange made, accepted or endorsed by the president or vice-president of the company and countersigned by the secretary or treasurer, as may be provided by the by-laws of the company, which by-laws shall be submitted for approval by the Lieutenant-Governor in Council, shall be binding on the company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown; and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the president, vice-president or the secretary or treasurer be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided, Negotiable instruments.



vided, however, that nothing in this section shall be construed to authorize the company to issue any promissory note or bill of exchange payable to bearer or intended to be circulated as money or as the notes or bills of a bank.

Mortgaging  
or pledging  
bonds,

**23.** The company may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled, under the powers of this Act to issue for the construction of the said railway.

Agreements  
with other  
companies for  
leasing or hir-  
ing rolling  
stock.

**24.** It shall be lawful for the directors of the company to enter into an agreement or agreements with any other company or companies, if lawfully authorized to enter into such agreements, or with any person or persons, for leasing, hiring or use of any locomotives, carriages, rolling stock and other movable property from such companies or persons for such time or times and on such terms as may be agreed on; and also to enter into agreements with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies, of the locomotives, carriages, rolling stock and other moveable property of the other or others of them on such terms as to compensation and otherwise as may be agreed on.

Telegraph  
and telephone  
lines.

**25.** The company may also construct an electric telegraph line and a telephone line throughout and along the whole line of their railway and the branches thereof, or any part of the said railway or branches, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies* being chapter 192 of the Revised Statutes of Ontario, 1897, are hereby conferred upon the company; provided, that no poles shall be erected in the construction of either of the said lines in or through any city, town or incorporated village without the consent of the council of such city, town or village being first obtained by the company; and the company may undertake the transmission of messages for the public by such line or lines of telegraph or telephone and collect tolls for so doing.

Aid from mun-  
icipalities.

**26** Any municipality, or any portion of a township municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which the railway or works of the company shall pass or be situate may aid the company by giving money or debentures, by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained; provided always that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of the municipality (as the case

may



may be) in accordance with and as provided by law in respect to granting aid by way of bonuses to railways.

**27.** Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely: Submitting bonus by-laws

(1) The proper petition shall first be presented to the council expressing the desire to aid the railway and stating in what way and for what amount; and the council shall within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same to the approval of the qualified voters.

(2) In the case of a county municipality, the petition shall be that of a majority of the members of the county council or of fifty resident freeholders in each of the minor municipalities of the county who are qualified voters under *The Municipal Act* and the amendments thereto.

(3) In the case of other municipalities the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters under *The Municipal Act* and amendments thereto as aforesaid.

(4) In the case of a section of a township municipality the petition is to be presented to the council defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

**28.** Such by-law shall in each instance provide: By-law what to contain.

(1) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be), mentioned in the petition, by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law.

(2) For assessing and levying upon all rateable property lying within the municipality or portion of the township municipality defined in said by-law (as the case may be), an annual special rate, sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof, are hereby authorized to execute and issue in such cases respectively.

**29.** Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the municipality, a sum sufficient to pay the expenses to be incurred in submitting the said by-law. Deposit before by-law is submitted.

Council to pass  
by-law if  
assented to by  
rate-payers.

**30.** In case the by-law submitted be approved of and carried, in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting, the municipal council which submitted the same shall read the said by-law a third time and pass the same.

Issue of  
debentures.

**31.** Within one month after the passing of such by-law the said council and the mayor, warden, reeve or other head, or other officers thereof, shall issue or dispose of the debentures provided for by the by-law, and deliver the same, duly executed, to the trustees appointed, or to be appointed, under this Act.

Levying rates  
on portion of  
municipality.

**32.** In case any such loan, guarantee or bonus, be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of such municipality.

Application of  
provisions of  
Rev. Stat.  
c. 223.

**33.** The provisions of *The Municipal Act* and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality, to the same extent as if the same had been passed by or for the whole municipality.

Councils may  
extend time  
for commence-  
ment.

**34.** The councils for all corporations that may grant aid by way of bonus to the said company may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid, from time to time; provided that no such extension shall be for a longer period than one year.

Councils may  
extend the  
time for com-  
pletion.

**35.** It shall and may be lawful for the council of any municipality that may grant aid by way of bonus, to the said company, by resolution or by-law, to extend the time for the completion of the works (on the completion of which the said company would be entitled to such bonus), from time to time, provided that no such extension shall be for a longer period than one year at a time.

Extent of aid  
from municipi-  
palities.

**36.** Any municipality, or portion of a township municipality, interested in the construction of the railway of the company, may grant aid by way of bonus to the company towards the construction of such railway, notwithstanding that such aid may increase the municipal taxation of such municipality, or portion thereof, beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes exclusive of school rates, than three cents in the dollar upon the value of the rateable property therein.

**37.** It shall be lawful for the corporation of any municipality through any part of which the railway of the company passes, or in which it is situate, by by-law especially passed for that purpose, to exempt the company and its property within such municipality, either in whole or in part from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise in gross, by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

By-law granting exemption from taxation.

**38.** Any municipality through which the said railway may pass or is situate is empowered to grant, by way of gift to the company, any lands belonging to such municipality, or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway, and the said railway company shall have power to accept gifts of land from any government, or any person or body, corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the company.

Gifts of lands.

**39.** Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall within six months after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario or otherwise becomes incapable of acting, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council.

Issue of debentures.

**40.** The said trustees shall receive the said debentures or bonds in trust, firstly, under the directions of the company and subject to the conditions of the by-laws in relation thereto

Trusts of proceeds of debentures.

to as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario in the name of "The Nepigon Railway, Municipal Trust Account," and to pay the same out to the company from time to time as the company becomes entitled thereto, under the conditions of the by-law granting the said bonus and on the certificate of the chief engineer of the said railway for the time being, in the form set out in Schedule B. hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of \$500, recoverable in any court of competent jurisdiction by any person who may sue therefor.

Fees to  
trustees.

41. The trustees shall be entitled to their reasonable fees and charges from the said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Power to purchase whole  
lots.

42. Whenever it shall be necessary for the purpose of procuring sufficient land for stations, or gravel pits, or for constructing, maintaining and using the said railway, and in case, by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands; and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same, or any part thereof, from time to time, as they may deem expedient; but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section,

Rev. Stat.  
c. 207.

Acquiring  
material's for  
construction.

43. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause an Ontario Land Surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of compensation, shall have the same effect as in case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario*, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom land may be taken or who may sell, shall apply to the subject matter of

Rev. Stat. c.  
207.

this



this section, as to the obtaining materials as aforesaid ; and such proceedings may be had by the company either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary ; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

**44—**(1) When said gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be ; and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publications of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated ; and such right may be so acquired for a term of years or permanently, as the company may think proper ; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

Sidings to  
gravel pits

Rev. Stat.  
c. 207.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply.

Rev. Stat.  
c. 207.

**45.** The company shall have the right on and after the first day of November in each year to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or persons whatsoever, lying along the route or line of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be hereafter established in the manner provided by law in respect of such railway to have been actually suffered, provided always that any such snow fences so erected shall be removed on or before the first day of April next following.

Power to  
erect snow  
fences.

**46.** The company shall have power and authority—

(1) To purchase land for and erect power-houses, warehouses, elevators, docks, stations, workshops, machine shops, foundries and offices and to sell and convey such land as may be found superfluous for any such purpose, and the company shall have power to build, own, operate and hold as part of the property of the company as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railway ;

Warehouses,  
docks, etc.

(2) To erect and maintain all necessary and convenient buildings, stations, depots, wharves and fixtures, and from time

Erect  
necessary  
buildings,  
wharfs, etc.

time to time to alter, repair or enlarge the same and to build, purchase and acquire motors, engines, carriages, wagons and other machinery and contrivances necessary or convenient for the working of the railway and the accommodation and use of the passengers, freight and business of the railway;

Powers as to  
production  
and use of  
electricity

(3) To construct, maintain and operate works for the production of electricity for the motive power of the said railways, and for the lighting and heating the rolling stock and other property of the company;

Lease or sell  
electricity not  
required for  
railway.

(4) To sell or lease any such electricity not required for the purposes aforesaid to any person or corporation, and the company in that behalf shall, subject to the provisions and restrictions of this Act, possess the powers, rights and privileges, and be subject to all the obligations and restrictions of joint-stock companies incorporated under *The Act respecting Companies for supplying Steam, Heat, Electricity or Natural Gas for Heat, Light or Power*, and to acquire and hold any property necessary for the purposes mentioned in this sub-section;

Rev. Stat. c.  
200.

Acquiring  
rights for  
conveying  
electricity.

(5) To purchase the right to convey electricity required for the working of the railway and lighting or heating the same over, through or under lands other than the lands of the said railway, and with the consent of the councils of the municipalities affected, to purchase the right to lay conduits under, or erect poles and wires on or over such lands as may be determined by the company, and along and upon any of the public highways, or across any of the waters in this Province by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the cords or wires of such lines, or the conduits for such electricity, upon and subject to such agreement in respect thereof as shall first be made between the company and any private owners of the land affected, and between the company and any municipality in which such works or any part thereof or of the railway may be situate, and under and subject to any by-law or by-laws of the council of such municipality passed in pursuance thereof.

Construction  
on streets, etc.

47.—(1) The railway of the company shall not be constructed or operated on, upon or along any street, highway or public place of any municipality until first authorized by an agreement in respect thereto made between the company and such municipality, and under and subject to the terms of such agreement and of this Act and of any by-law or by-laws of the council of said municipality to be passed in pursuance thereof; and in all such cases any and every work, matter or thing in connection with electricity or other motor power, and the application and using thereof

in

in so constructing, operating and working such railway, or the cars, carriages, engines, motors or machines aforesaid shall be so constructed, erected, laid down and arranged as to impede or incommode the public use of such street, highway or public place as little as possible, and so as not to be a nuisance thereto, nor to interfere with the free access to any house or other building erected in the vicinity of the same, and the electric and other appliances shall be of such an improved manufacture and so placed as to avoid as far as possible any danger to buildings or other property, and provided that none of the works or property of the company shall be so constructed or placed as to injuriously interrupt navigation in any navigable water.

(2) The by-laws mentioned in section 2, subsection 5 of the preceding section and in this section shall be subject to the conditions and provisions of section 632 of *The Municipal Act*.

Rev. Stat. c.  
223, s. 632.

48. It shall and may be lawful for the company at any point where the railway, or any branch thereof, approaches within two miles of any navigable waters, to purchase and hold as its own absolute property, and for the use of the company, wharves, piers, docks, water lots, water frontages and lands; and upon the said water lots, water frontages and lands, and in and over the waters adjoining the same, to build and erect elevators, store-houses, warehouses and engine-houses, sheds, wharves, docks, piers and other erections, for the use of the company, and the steam and other vessels owned, worked or controlled by the company, or any other steam or other vessel; and to collect wharfage and storage charges for the use of the same; and also to erect, build, repair and maintain all moles, piers, wharves and docks necessary and proper for the protection of such works, and for the accommodation and convenience of vessels entering, leaving, lying, loading and unloading within the same, and to dredge, deepen and enlarge such works; and the said wharves, piers, docks, water lots, water frontages, lands, elevators, store-houses, warehouses, engine-houses, sheds and other erections or any thereof, or any portions thereof, in its discretion to sell, lease or convey.

Power to purchase wharves etc.

49. The said company shall have power to purchase and hold such land as may be required at each extremity of the said railway for the purpose of building thereon store-houses, warehouses, engine-houses and other erections for the uses of the said company, and the same, or portions thereof, in their discretion to sell and convey, and also to make use for the purposes of the said railway of any stream or water course, at or near which the railway passes, doing however no unnecessary damage thereto, and not impairing the usefulness of such stream or water course.

Power to hold additional property at extremities of railway.



Agreements  
for amalgama-  
tion.

**50.** The company is authorized and empowered to make necessary arrangements to contract and agree with the Canadian Pacific Railway Company, if lawfully authorized to enter into such arrangements for amalgamation, provided that the terms of such amalgamation are approved of by two-thirds in value of the shareholders, voting either in person or represented by proxy at a special general meeting to be called for that purpose in accordance with this Act.

Arrangements  
with other  
companies.

**51.** The company shall have power to agree for connections and making running arrangements with the Canadian Pacific Railway Company, if lawfully empowered to enter into such agreements, upon terms to be approved by two-thirds in value of the shareholders at a special general meeting to be held for that purpose, and it shall also be lawful for the company hereby incorporated to enter into an agreement with the said company, if lawfully authorized to enter into such an agreement, for the sale or leasing or hiring of the whole or any portion of the railway herein authorized or the use thereof or for the sale or leasing or hiring any locomotives, tenders, plant or rolling stock or other property or of any part thereof or touching any service to be rendered by the one company to the other and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing or entering into such an agreement for using the said railway, may and is hereby authorized to work the said railway and in the same manner as if incorporated with its own line; but nothing in this or the preceding section shall be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

Transfer of  
shares.

**52.** Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

Payment of  
back charges  
on goods.

**53.** The company shall have power to collect and receive all charges, subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods or commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.



**54.** The provisions of *The Electric Railway Act* shall not apply to the company hereby incorporated but the several clauses of *The Railway Act of Ontario*, and of every Act in amendment thereof shall be incorporated with, and be deemed to be part of this Act, and shall apply to the said company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act and of every Act in amendment thereof so incorporated with this Act.

Incorporation  
of provisions  
of Rev. Stat.  
c. 207.

**55.** The railway shall be commenced within three years and finally completed within seven years after the passing of this Act.

Commence-  
ment and com-  
pletion of line.

## SCHEDULE A.

(Section 6.)

Know all men by these presents that I (or we) (*insert the name or names of the vendor or vendors*) in consideration of \$ , paid to me (or us) by The Nepigon Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) (*insert the name or names of any other party or parties*) in consideration of \$ , paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (*or those certain parcels, as the case may be*) of land, (*describe the land*) the same having been selected and laid out by the said company for the purposes of their railway, to hold, with the appurtenances, unto the said The Nepigon Railway Company, their successors and assigns forever, (*here insert any other clauses, conditions and covenants required*) and I (or we) the wife (or wives) of the said do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (*or hands and seals*) this day of 18 .

Signed, sealed and delivered  
in the presence of

[L.S.]

## SCHEDULE B.

(Section 40.)

## CHIEF ENGINEER'S CERTIFICATE.

The Nepigon Railway Company's Office,  
No.

A.D. 18

## ENGINEER'S DEPARTMENT.

Certificates to be attached to cheques drawn on The Nepigon Railway Company Municipal Trust Account given under section chapter , of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's reign

I, \_\_\_\_\_ chief engineer of  
The Nepigon Railway Company, do hereby certify that the said company  
has fulfilled the terms and conditions necessary to be fulfilled under the  
by-law No. \_\_\_\_\_ of the township of \_\_\_\_\_ (or under  
the agreement dated the \_\_\_\_\_ day of \_\_\_\_\_  
I \_\_\_\_\_, between the corporation of \_\_\_\_\_ and the said  
company) to entitle the said company to receive from the said trust the  
sum of \_\_\_\_\_  
(here set out the terms and conditions, if any, which have been fulfilled).

## CHAPTER 99.

## An Act to incorporate The Nickel Range Railway Company.

*Assented to 1st April, 1899.*

**W**HEREAS Edward V. Douglas and Frank S. Lewis, both Preamble.  
of the City of Philadelphia, in the State of Pennsylvania, one of the United States of America, Francis H. Clergue, of the City of New York, in the State of New York, one of the said United States, and Bertrand J. Clergue and Henry C. Hamilton, both of the Town of Sault Ste. Marie, in the District of Algoma, have by their petition prayed for an Act of incorporation under the name of "The Nickel Range Railway Company" for the purpose of constructing, maintaining and operating a railway from a point on the Algoma branch of the Canadian Pacific Railway between Whitefish and McNaughton stations to a point on the main line of the Canadian Pacific Railway within the limits of the Townships of Balfour and Rayside and at or near Chelmsford station, and it has been represented that the line of the railway of the company so to be incorporated will, for the most part, be constructed in the unorganized part of the Province; and it is proposed to operate the same by steam or electricity; and whereas, owing to the location of the line of the said railway, the provisions of *The Electric Railway Act* are not applicable to the company so to be incorporated, and the said petitioners have prayed that there may be conferred upon them the powers ordinarily given upon the incorporation of a railway to be operated by steam; and whereas for the reasons aforesaid the circumstances of the said proposed line of railway are exceptional; and whereas it is expedient to grant the prayer of the said petition;

Therefore,

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

**Incorporation**      **1.** Edward V. Douglas, Frank S. Lewis, Francis H. Clergue, Bertrand J. Clergue and Henry C. Hamilton, together with such other persons and corporations as shall hereafter become shareholders in the company hereby incorporated, are hereby constituted a body corporate and politic under the name of "The Nickel Range Railway Company," hereinafter called "the company."

**Location of line.**      **2.** The company is hereby authorized and empowered to survey, lay out, construct, complete, equip and maintain a railway to be operated by steam or electricity, with double or single iron or steel tracks from a point on the Algoma branch of the Canadian Pacific Railway between Whitefish and McNaughton Stations to a point on the main line of the Canadian Pacific Railway within the limits of the Townships of Balfour and Rayside and at or near Chelmsford Station, and to construct branch railways, none of which are to exceed six miles in length and to exercise all the powers, rights and privileges required therefor in as full and ample a manner as for the railway, and the said railways, or any part thereof, so far as the same may be operated by electricity, may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same and subject to the restrictions and provisions therein and in this Act contained, and under and subject to any agreements between the company and the councils of any of the said corporations and between the company and the road companies (if any) interested in such highways; and the company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway subject to the provisions and conditions contained in this Act and in *The Municipal Act*.

**Rev. Stat. c 223.**

**Gauge.**      **3.** The gauge of the said railway shall be four feet eight and one half inches.

**Provisional Directors.**      **4.** The said Edward V. Douglas, Frank S. Lewis, Francis H. Clergue, Bertrand J. Clergue and Henry C. Hamilton, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the company, of whom a majority shall be a quorum, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

**Powers of provisional directors.**      **5.** The said board of provisional directors shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking, and to allot the stock and to receive payments



payments on account of stock subscribed, and to make calls upon subscribers in respect to their stock, and to sue for and recover the same; and to cause plans and surveys to be made, and to receive for the company any grant, loan, bonus or gift made to it, or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as, under *The Railway Act of Ontario*, are vested in ordinary directors. The said directors, or a majority of them, or the board of directors to be elected as hereinafter mentioned, may, in their discretion, exclude any one from subscribing for stock who, in their judgment, would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act, and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors, or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers if, in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the Town of Sault Ste. Marie, in the District of Algoma, or at such other place as may best suit the interest of the company.

Rev. Stat.  
c. 207.

6. Conveyances of lands to the company for the purposes of and powers given by this Act, made in the form set forth in Schedule A., hereunder written, or to the like effect, shall be sufficient conveyance to the company, their successors and assigns, of the estate or interest therein mentioned and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in the same manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Conveyance of  
land to com-  
pany.

7. No subscription for stock in the capital of the company shall be binding on the company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Subscriptions  
for stock when  
binding.

8. The company may receive from any government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway by way of gift, bonus or loan of money or debentures or other securities for money, or by way of guarantee upon such terms and conditions as may be agreed upon.

Aid to rail-  
way.

**Capital stock.** 9. The capital stock of the company hereby incorporated shall be \$200,000 (with power to increase the same in the manner provided by *The Railway Act of Ontario*), to be divided into two thousand shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in the company, and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements of, and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway, and to the other purposes of this Act.

**First election of directors.** 10. When and as soon as shares to the amount of \$50,000 of capital stock in the said company shall have been subscribed and ten per centum paid thereon into some chartered bank of the Dominion, having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the said provisional directors or a majority of them shall call a general meeting of the shareholders for the purpose of electing directors of the company, giving at least four weeks' notice of such meeting by advertisement in *The Ontario Gazette* and in at least one newspaper published in the said Town of Sault Ste. Marie of the time, place and purpose of the said meeting.

**Number of directors and quorum.** 11. At such general meeting the shareholders present either in person or by proxy, who shall at the opening of such meeting have paid up ten per centum on the stock subscribed by them, shall elect not less than five and not more than twelve persons to be directors of the company in manner and qualified as hereinafter mentioned, who shall constitute a board of directors and shall hold office until the next general annual meeting, and a majority of the directors shall form a quorum of the board, and may pass such rules, regulations and by-laws as may be deemed expedient and are not inconsistent with this Act and *The Railway Act of Ontario*; and the said board may employ and pay one of their number as managing director.

**Qualification of directors.** 12. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the company, and unless he has paid up all calls thereon.

**Power to construct line in sections.** 13. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railway is to pass, together with the map or plan thereof, and of their course and direction, and of the lands intended to be passed over and taken therefor so far as then ascertained,

ascertained, and also the book of reference for the railway, and to deposit the same, as required by the clauses of *The Railway Act of Ontario* and the amendments thereto with respect to <sup>Rev. Stat. c. 207.</sup> plans and surveys, by sections or portions less than the length of the whole railway authorized, of such length as the company may from time to time see fit so that no one of such sections or portions shall be less than ten miles in length; and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the said Railway Act and the amendments thereof applied to, included in or incorporated with this Act shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of their whole course and direction, and of the lands intended to be passed over and taken, and the book of reference of the whole of said railways had been taken, made, examined, certified and deposited according to the said clauses of the said *Railway Act* and the amendments thereof with respect to "plans and surveys."

**14.** Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible for office as directors in the company. <sup>Rights of aliens.</sup>

**15.** The directors may from time to time, make calls as <sup>C</sup>alls on stock they shall think fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call, as hereinafter provided in section 17 of this Act.

**16.** The provisional directors or the elected directors may pay, or agree to pay, in paid up stock or in the bonds of the company, such sums as they may deem expedient, to engineers or contractors, or for right of way, or material, plant or rolling stock, and also, when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters or other persons who may be employed by the directors in furthering the undertaking, or for the purchase of right of way, material, plant, or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company. <sup>Payments in stock or bonds.</sup>

**17.** The head office of the company shall be at the said Town of Sault Ste. Marie, and the general annual meeting of the shareholders of the company shall be held in such place <sup>Head office, general annual meeting-</sup> in



in the said Town of Sault Ste. Marie on such days and at such hours as may be directed by the by-laws of the company ; and public notice thereof shall be given at least four weeks previously in *The Ontario Gazette* and once a week in one newspaper published in the said Town of Sault Ste. Marie during the four weeks immediately preceding the week in which such meeting is to take place.

Special general meetings.

18. Special general meetings of the shareholders of the company may be held at such places and at such times and in such manner and for such purposes as may be provided by the by-laws of the company, upon such notice as is provided in the last preceding section.

Proxies.

19. At all meetings of the company the shareholders thereof may vote by proxy and the proxy may be appointed in such manner and by such means as the by-laws of the company may provide, but no person shall be qualified to be so appointed who is not himself a shareholder in the company.

Issue of bonds.

20. The directors of the company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of \$20,000 for each mile of the said railway and branches, and the provisions of sub-sections 19, 20, 21, 22 and 23 of section 9 of *The Railway Act of Ontario* shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to, and in conformity with the provisions of the said sub-sections.

Rev. Stat. c. 207.

Bonds, etc., how payable.

21. All such bonds, debentures and other securities and coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, and any holder of any such securities so made payable to bearer, may sue at law thereon in his own name.

Transfer of bonds.

22. The company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than \$100, and any such promissory note or bill of exchange made, accepted or endorsed by the president or vice-president of the company, and countersigned by the secretary or treasurer, as may be provided by the by-laws of the company, which by-laws shall be submitted for approval by the Lieutenant-Governor in Council, shall be binding on the company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown, and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the president, vice-president or the secretary or treasurer be individually responsible for the same unless the said promissory notes or bills



bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted ; provided, however, that nothing in this section shall be construed to authorize the company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

**23.** The company may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled, under the powers of this Act, to issue for the construction of the said railway. Mortgaging or pledging bonds.

**24.** It shall be lawful for the directors of the company to enter into an agreement or agreements with any other company or companies, if lawfully authorized to enter into such agreements, or with any person or persons, for leasing, hiring, or use of any locomotives, carriages, rolling stock and other movable property from such companies or persons for such time or times and on such terms as may be agreed on ; and also to enter into agreements with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies of the locomotives, carriages, rolling stock and other moveable property of the other or others of them on such terms as to compensation and otherwise as may be agreed on. Agreements with other companies for leasing or hiring rolling stock.

**25.** The company may also construct an electric telegraph line and a telephone line throughout and along the whole line of their railway and the branches thereof or any part of the said railway or branches and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies* being chapter 192 of the Revised Statutes of Ontario, 1897, are hereby conferred upon the company ; provided, that no poles shall be erected in the construction of either of the said lines in or through any city, town or incorporated village without the consent of the council of such city, town or village being first obtained by the company ; and the company may undertake the transmission of messages for the public by such line or lines of telegraph or telephone and collect tolls for so doing. Telegraph and telephone lines.

**26.** Any municipality, or any portion of a township municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which the railway or works of the company shall pass or be situate may aid the company by giving money or debentures, by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained ; provided always, that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers Aid from municipalities.

ratepayers of the municipality or portion of the municipality (as the case may be) in accordance with and as provided by law in respect to granting aid, by way of bonuses to railways.

Submitting  
bonus by-laws.

**27.** Such by-law shall be submitted by the municipal council, to the vote of the ratepayers, in manner following, namely:

(1) The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount; and the council shall within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same to the approval of the qualified voters.

(2) In the case of a county municipality, the petition shall be that of a majority of the members of the county council; or of fifty resident freeholders, in each of the minor municipalities of the county, who are qualified voters under *The Municipal Act* and the amendments thereto.

(3) In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters under *The Municipal Act*, and amendments thereto as aforesaid.

(4) In the case of a section of a township municipality, the petition is to be presented to the council, defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

By-law  
what to con-  
tain.

**28.** Such by-law shall in each instance provide:

(1) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be) mentioned in the petition, by the issue of the debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby as may be expressed in the said by-law.

(2) For assessing and levying upon all rateable property lying within the municipality or portion of the township municipality defined in said by-law (as the case may be), an annual special rate, sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof are hereby authorized to execute and issue in such cases respectively.

Deposit to be  
made before  
by-law is sub-  
mitted.

**29.** Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the municipality

city, a sum sufficient to pay the expenses to be incurred in submitting said by-law.

**30.** In case the by-law submitted be approved of and carried, in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting, the municipal council which submitted the same shall read the said by-law a third time and pass the same. Council to pass by-law if assented to by rate-payers.

**31.** Within one month after the passing of such by-law the said council and the mayor, warden, reeve or other head, or other officers thereof, shall issue or dispose of the debentures provided for by the by-law, and deliver the same, duly executed, to the trustees appointed, or to be appointed, under this Act. Issue of debentures.

**32.** In case any such loan, guarantee or bonus, be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of such municipality. Levying rates on portion of municipality.

**33.** The provisions of *The Municipal Act* and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality, to the same extent as if the same had been passed by or for the whole municipality. Application of provisions of Rev. Stat. c. 223,

**34.** The councils for all corporations that may grant aid by way of bonus to the said company may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid, from time to time; provided that no such extension shall be for a longer period than one year. Councils may extend the time for commencement.

**35.** It shall and may be lawful for the council of any municipality that may grant aid by way of bonus, to the said company, by resolution or by-law, to extend the time for the completion of the works (on the completion of which the said company would be entitled to such bonus), from time to time, provided that no such extension shall be for a longer period than one year at a time. Councils may extend the time for completion.

**36.** Any municipality, or portion of a township municipality interested in the construction of the road of the company, may grant aid by way of bonus to the company towards the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality, or portion thereof, beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes exclusive of school rates, than three cents in the dollar upon the value of the rateable property therein. Extent of aid from municipalities.



By-laws grant-  
ing exemption  
from taxation.

**37.** It shall be lawful for the corporation of any municipality through any part of which the railway of the company passes, or in which it is situate, by by-law especially passed for that purpose, to exempt the company and its property within such municipality, either in whole or in part from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise in gross, by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Gifts of lands.

**38.** Any municipality through which the said railway may pass or is situate is empowered to grant, by way of gift to the company, any lands belonging to such municipality, or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any government, or any person or body, corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the company.

Issue of  
debentures.

**39.** Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall within six months after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable of acting, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council.

Trusts of  
proceeds of  
debentures.

**40.** The said trustees shall receive the said debentures or bonds in trust, firstly, under the directions of the company but subject to the conditions of the by-laws in relation thereto

as



as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario in the name of "The Nickel Range Railway, Municipal Trust Account," and to pay the same out to the company from time to time as the company becomes entitled thereto, under the conditions of the by-law granting the said bonus and on the certificate of the chief engineer of the said railway for the time being, in the form set out in Schedule B, hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of \$500, recoverable in any court of competent jurisdiction by any person who may sue therefor.

41. The trustees shall be entitled to their reasonable fees and charges from the said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed. Fees to trustees.

42. Whenever it shall be necessary for the purpose of procuring sufficient land for stations, or gravel pits, or for constructing, maintaining and using the said railway, and in case, by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell or convey the same, or any part thereof, from time to time as they may deem expedient: but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section. Power to purchase whole lots.  
Rev. S. at.  
c. 207.

43. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause an Ontario Land Surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of compensation, shall have the same effect as in case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario*, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom land may be taken, or who may sell, shall apply to the subject matter of this Acquiring material for construction.  
Rev. Stat.  
c. 207.

this section, as to the obtaining materials as aforesaid, and such proceedings may be had by the company either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Sidings to  
gravel pits.

**44—**(1) When said gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance from the line of railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which the said material shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publications of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

Rev. Stat.  
c. 207.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, subsection 9 of section 20 of *The Railway Act of Ontario* shall not apply.

Rev. Stat.  
c. 207.

Incidental  
powers.

**45.** The company shall have power and authority :—

Warehouses,  
docks, etc.

(1) To purchase land for and erect power-houses, warehouses, elevators, docks, stations, work shops, machine shops, foundries and offices, and to sell and convey such land as may be found superfluous for any such purpose, and the company shall have power to build, own, operate and hold as part of the property of the said company as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railway;

Erect neces-  
sary buildings  
wharfs, etc.

(2) To erect and maintain all necessary and convenient buildings, stations, depots, wharves and fixtures, and from time to time to alter, repair or enlarge the same, and to build, purchase and acquire motors, engines, carriages, waggons and other machinery and contrivances necessary or convenient for the working of the railway and the accommodation and use of the passengers, freight and business of the railway;

Powers as to  
production  
and use of  
electricity.

(3) To construct, maintain and operate works for the production of electricity for the motive power of the said railways and for the lighting and heating the rolling stock and other property of the company;

(4)

(4) To sell or lease any such electricity not required for the purpose aforesaid to any person or corporation, and the company in that behalf shall, subject to the provisions and restrictions of this Act, possess the powers, rights and privileges, and be subject to all the obligations and restrictions of joint stock companies incorporated under *The Act respecting Companies for supplying Steam, Heat, Electricity or Natural Gas for Heat, Light or Power*, and to acquire and hold any property necessary for the purposes mentioned in this sub-section ;

Lease or sell  
electricity not  
required for  
railway.

Rev. Stat.  
c. 200.

(5) To purchase the right to convey electricity required for the working of the railway and lighting or heating the same over, through or under lands other than the lands of the said railway, and with the consent of the councils of the municipalities affected, to purchase the right to lay conduits under, or erect poles and wires on or over such lands as may be determined by the company, and along and upon any of the public highways, or across any of the waters in this Province by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the cords or wires of such lines, or the conduits for such electricity, upon and subject to such agreement in respect thereof as shall first be made between the company and any private owners of the land affected, and between the company and any municipality in which such works or any part thereof or of the railway may be situate, and under and subject to any by-law or by-laws of the council of such municipality passed in pursuance thereof.

Acquiring  
rights for con-  
veying electri-  
city.

**46—**(1) The railway of the company shall not be constructed or operated on, upon or along any street, highway or public place of any municipality until first authorized by an agreement in respect thereto made between the company and such municipality, and under and subject to the terms of such agreement and of this Act and of any by-law or by-laws of the council of said municipality to be passed in pursuance thereof ; and in all such cases any and every work, matter or thing in connection with electricity or other motor power, and the application and using thereof in so constructing, operating and working such railway, or the cars, carriages, engines, motors or machines aforesaid shall be so constructed, erected, laid down and arranged as to impede or incommode the public use of such street, highway or public place as little as possible, and so as not to be a nuisance thereto, nor to interfere with the free access to any house or other building erected in the vicinity of the same, and the electric and other appliances shall be of such an improved manufacture and so placed as to avoid so far as possible any danger to buildings or other property, and provided that none of the works or property of the company shall be so constructed or placed as to injuriously interrupt navigation in any navigable water.

Construction  
on streets, etc.



Rev. Stat. c.  
s. 632.

(2) The by-laws mentioned in section 2, sub-section 5 of the preceding section and in this section shall be subject to the conditions and provisions of section 632 of *The Municipal Act*.

Snow fences.

47. The company shall have the right on and after the first day of November in each year to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or persons whatsoever, lying along the route or line of the said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be hereafter established in the manner provided by law in respect of such railway to have been actually suffered; provided always that any such snow fences so erected shall be removed on or before the first day of April following.

Amalgama-  
tion with  
other com-  
panies.

48. The company is authorized and empowered to make necessary arrangements to contract and agree with the Canadian Pacific Railway Company, the Grand Trunk Railway Company of Canada, and the Manitoulin and North Shore Railway Company, if lawfully authorized to enter into such arrangements, for amalgamation with any or either of them, provided that the terms of such amalgamation are approved of by two-thirds in value of the shareholders, voting either in person or represented by proxy at a special general meeting to be called for that purpose in accordance with this Act.

Arrangements  
with other  
companies.

49. The company shall have power to agree for connections and making running arrangements with the Canadian Pacific Railway Company, the Grand Trunk Railway Company of Canada, and the Manitoulin and North Shore Railway Company, or any or either of them, if lawfully empowered to enter into such agreements upon terms to be approved by two-thirds in value of the shareholders at a special general meeting to be held for that purpose, and it shall also be lawful for the said company to enter into an agreement with any or either of the said companies, if lawfully authorized to enter into such an agreement, for the sale or leasing or hiring of the whole or any portion of the railway herein authorized or the use thereof or for the sale or leasing or hiring any locomotives, tenders, plant or rolling stock or other property or of any part thereof or touching any service to be rendered by the one company to the other and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing or entering into such an agreement for using the said railway, may and are hereby authorized to work the said railway and in the same manner as if incorporated with their own line; but nothing in this or the preceding

ing



ing section shall be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

**50.** Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company. Transfer of shares.

**51.** The company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges. Payment of back charges of goods.

**52.** The provisions of *The Electric Railway Act* shall not apply to the company hereby incorporated but the several clauses of *The Railway Act of Ontario*, and of every Act in amendment thereof shall be incorporated with, and be deemed to be part of this Act, and shall apply to the company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act and of every Act in amendment thereof so incorporated with this Act. Incorporation of provisions of Rev. Stat. c. 207.

**53.** The railway hereby authorized shall be commenced within three years and finished and put in operation within six years after the passing of this Act, and in default thereof the powers hereby conferred shall absolutely cease with respect to so much of the railway as then remains incomplete. Commencement and completion.

---

## SCHEDULE A.

(Section 6.)

Know all men by these presents that I (or we) (*insert the name or names of the vendor or vendors*) in consideration of

dollars paid to me (or us) by The Nickel Range Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) (*insert the name or names of any other party or parties*) in consideration of

dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (*or those certain parcels, as the case may be*) of land (de-

scribe

*scribe the land*) the same having been selected and laid out by the said company for the purposes of its railway, to hold with the appurtenances unto the said The Nickel Range Railway Company, their successors and assigns forever (*here insert any other clauses, covenants and conditions required*), and I (*or we*) the wife (*or wives*) of the said  
do hereby bar my (*or our*) dower in the said lands.

As WITNESS my (*or our*) hand and seal (*or hands and seals*) this  
day of \_\_\_\_\_, one thousand eight hundred and  
Signed, sealed and delivered }  
in the presence of

(L. S.)

---

## SCHEDULE B.

(Section 40.)

## CHIEF ENGINEER'S DEPARTMENT.

The Nickel Range Railway Company's Office,  
No. \_\_\_\_\_

A.D. 18

## ENGINEER'S DEPARTMENT.

Certificates to be attached to cheques drawn on The Nickel Range Railway Company Municipal Trust Account given under section \_\_\_\_\_ chapter \_\_\_\_\_, of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's reign.

I, \_\_\_\_\_ chief engineer of  
The Nickel Range Railway Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. \_\_\_\_\_ of the township of \_\_\_\_\_ (*or under*  
the agreement dated the \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_\_,  
between the corporation of \_\_\_\_\_ and the said company)  
to entitle the said company to receive from the said trust the sum of \_\_\_\_\_  
(*here set out the terms and*  
*conditions, if any, which have been fulfilled.*)

## CHAPTER 100.

## An Act to incorporate the North Lanark Railway Company.

*Assented to 1st April, 1899.*

**W**HEREAS Alfred Willson, of the City of Toronto, in the Preamble.  
County of York; William J. Rintoul, David Barr and Robert Jordan, all of the Township of Darling, in the County of Lanark; James W. Wylie and Andrew Bell, both of the Town of Almonte, in the said County of Lanark; John Stewart, of the Township of McNab, in the County of Renfrew; Hugh F. McLachlin and James Bell, both of the Town of Arnprior in the said County of Renfrew, have by their petition prayed for an Act of incorporation under the name of "The North Lanark Railway Company" for the purpose of constructing, maintaining and operating a railway from a point at or near Mile Lake in the Township of Blythfield, in the County of Renfrew, thence passing through the Townships of Darling and Pakenham in the County of Lanark, or through a part of the Township of McNab in the said County of Renfrew to some point on the Canadian Pacific Railway or the Ottawa, Arnprior and Parry Sound Railway at or near the Town of Arnprior in the said County of Renfrew; and whereas the said petitioners have prayed that power may be given the said company to operate the proposed railway by steam or electricity, but without coming under the general provisions of *The Electric Railway Act*; and whereas it appears that the said railway will be constructed for the most part in a sparsely settled and undeveloped portion of the Province; and whereas the circumstances of the case are exceptional; and whereas it is expedient to grant the prayer of the said petition;

Therefore,

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**Incorporation.** 1. Alfred Willson, William J. Rintoul, David Barr, Robert Jordan, James W. Wylie, Andrew Bell, John Stewart, Hugh F. McLachlin and James Bell, together with all such other persons and corporations as shall become shareholders in the company hereby incorporated shall be and are hereby constituted a body corporate and politic by the name of "The North Lanark Railway Company," hereinafter called "the company."

**Location of line.**

2. The company shall have full power and authority to survey, lay out, construct, complete, and equip a railway to be operated by steam or electricity with single or double iron or steel tracks from a point at or near Mile Lake in the Township of Blythfield in the County of Renfrew, thence passing through the Townships of Darling and Pakenham in the County of Lanark or through part of the Township of McNab in the County of Renfrew and the Township of Fitzroy in the County of Carleton to some point on the Canadian Pacific Railway or the Ottawa Arnprior and Parry Sound Railway at or near the Town of Arnprior in the County of Renfrew, and the said railway or any part thereof, so far as the same may be operated by electricity, may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to the restrictions and provisions therein and in this Act contained, and under and subject to any agreements between the company and the councils of any of the said corporations and between the company and the road companies (if any) interested in such highways; and the company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway subject to the provisions and conditions contained in this Act and in *The Municipal Act*.

**Rev. Stat. c. 223.**

**Gauge.**

3. The gauge of the said railway shall be four feet eight and one-half inches.

**Provisional directors.**

4. The said Alfred Willson, William J. Rintoul, David Barr, Robert Jordan, James W. Wylie, Andrew Bell, John Stewart, Hugh F. McLachlin and James Bell with power to add to their number shall be and are hereby constituted a board of provisional directors of the said company, of whom a majority shall be a quorum and shall hold office as such until the first election of directors under this Act.

**Powers of provisional directors.**

5. The said board of provisional directors shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking, and to allot the stock and to receive payments on account of stock subscribed, and to make calls



calls on subscribers in respect of their stock and to sue for and recover the same and to cause plans and surveys to be made, and to receive for the company any grant, loan, bonus or gift made to it or in aid of the undertaking and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as under *The Railway Act of Ontario* are vested in ordinary directors. The said directors, or a majority of them, or the board of directors, to be elected as hereinafter mentioned, may in their discretion exclude anyone from subscribing for stock who, in their judgment would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act, and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors or board of directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the said directors may in their discretion exclude any one or more of the said subscribers, if, in their judgment, such exclusion will best secure the building of the said railway, and all meetings of the provisional board of directors shall be held at the Town of Arnprior in the County of Renfrew or at such other place as may best suit the interest of the company. Rev. Stat. 207.

6. Conveyances of land to the company for the purpose of this Act made in the form set forth in the Schedule A to this Act, or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns of the estate or interest therein mentioned, and sufficient bar of dower respectively of all persons executing the same, and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed upon the duplicates thereof. Form of conveyance of land.

7. No subscription for stock in the capital of the company shall be binding on the company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription. Subscriptions not binding until approved.

8. The company may receive from any government or from any persons or bodies corporate, municipal or politic who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway by way of gift, bonus or loan of money or debentures, or other securities for money or by way of guarantee upon such terms and conditions as may be agreed upon. Aid to company.

Capital stock. **9.** The capital stock of the company hereby incorporated shall be \$250,000 (with power to increase the same in the manner provided by *The Railway Act of Ontario*) to be divided into two thousand five hundred shares of \$100 each and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway and to the other purposes of this Act; and until such preliminary expenses shall be paid out of such capital stock, the municipal corporation of any municipality on or near the line of such works may by resolution, of which seven days' previous notice shall have been given and passed by a majority of the said municipal corporation authorize the treasurer of such municipality to pay out of the general funds of such municipality its fair proportion of such preliminary expenses, which shall thereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the company, or be allowed to it in payment of stock.

First election of directors. **10.** When and as soon as shares to the amount of \$25,000 of capital stock in the company shall have been subscribed and ten per centum paid thereon into some chartered bank of the Dominion having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the said provisional directors or a majority of them shall call a general meeting of the shareholders for the purpose of electing directors of the said company, giving at least four week's notice by advertisement in *The Ontario Gazette* and in one or more newspapers published in the County of Lanark of the time, place and purpose of said meeting.

Number of directors and quorum. **11.** At such general meeting the shareholders present, either in person or by proxy, who shall, at the opening of such meeting, have so paid up ten per centum on the stock subscribed by them, shall elect five persons to be directors of the company, in manner and qualified as hereinafter mentioned who shall constitute a board of directors, and shall hold office until the next general annual meeting, and a majority of the directors shall form a quorum of the board, and may also pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act and *The Railway Act of Ontario*.

Rev. Stat. c. 207.

Qualification of directors.

**12.** No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at

least

least ten shares of stock in the company, and unless he has paid up all calls thereon.

**13.** The directors may from time to time make calls as they shall think fit, provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call, as provided by section 10 of this Act. Calls.

**14.** The provisional directors or the elected directors may pay, or agree to pay, in paid up stock or in the bonds of the said company, such sums as they may deem expedient, to engineers or contractors, or for right of way or material, plant or rolling stock, and also when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters or other persons who may be employed by the directors in furthering the undertaking, or for purchasing the right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company. Certain payments may be made in stocks or bonds.

**15.** The head office of the company shall be at the Town of Arnprior and the general annual meeting of the shareholders of the company shall be held in such place in the said town of Arnprior, or in such other place and on such days and at such hours as may be directed by the by-laws of the company, and public notice thereof shall be given, at least four weeks previously, in the *Ontario Gazette*, and once a week in one newspaper published in the county of Lanark, during the four weeks immediately preceding the week in which such meeting is to be held. Annual meetings.

**16.** Special general meetings of the shareholders of the said company may be held at such place and at such times and in such manner and for such purposes as may be provided by the by-laws of said company, upon such notice as is provided in the last preceding section. Special meeting.

**17.** Any municipality or any portion of a township municipality which may be interested in securing the construction of the said railway, or through any part of which or near which the railway or works of the said company shall pass or be situate, may aid the said company by giving money or debentures by way of bonus, gift or loan, or by the guarantee of the municipal corporation under and subject to the provisions hereinafter contained, provided always that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality, or portion of the municipality, as the case may be, in accordance with and as provided by law in respect to granting aid by way of bonuses to railways. Aid from municipalities.  
  
Proviso.



Provisions as to bonus by-laws.

18. Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:

1. The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount, and the council shall, within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same to the approval of the qualified voters.

Rev. Stat. c. 223.

2. In the case of a county municipality, the petition shall be that of a majority of the members of the county council or of fifty resident freeholders, in each of the minor municipalities of the county who are qualified voters under *The Municipal Act* and the amendments thereto.

Rev. Stat. c. 223.

3. In the case of other municipalities, the petition shall be that of a majority of the council thereof or of fifty resident freeholders, being duly qualified voters under *The Municipal Act* and the amendments thereto, as aforesaid.

4. In the case of a section of a township municipality, the petition is to be presented to the council defining the section by metes and bounds or by lots and concessions, and shall be that of a majority of the council of such township municipality or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

By-law what to contain.

19. Such by-law shall in each instance provide:

1. For raising the amount petitioned for in the municipality or portion of the township municipality, as the case may be mentioned in the petition, by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures or the application of the amount to be raised thereby as may be expressed in the said by-law.

2. For assessing and levying on all rateable property lying within the municipality or portion of the township municipality defined in said by-law, as the case may be, an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years, with interest thereon payable yearly or half-yearly, which debentures the respective municipal councils, wardens, reeves, mayors, and other officers thereof are hereby authorized to execute and issue in such cases respectively.

Provision for referring to arbitration disputes as to by-laws.

20. In case of aid from a county municipality, fifty resident freeholders of the county may petition the county council against submitting the said by-law, upon the ground that the said minor municipalities or portions thereof comprised in the said by-law, would be injuriously affected thereby, or upon any other ground, ought not to be included therein, and upon deposit by the petitioners with the treasurer of the county of a

sum



sum sufficient to defray the expenses of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county or riding in which the county town is situate, and one being an engineer appointed by the commissioner of public works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof therefrom; and the decision of any two of them shall be final, and the by-law so confirmed or amended shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county, as the arbitrators may order.

**21.** The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township or incorporated village, situate in the county municipality. Minor municipality, meaning of

**22.** Before any such by-law is submitted the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law. Deposit of expenses.

**23.** In case the by-law submitted be approved of and carried in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting the municipal council which submitted the same shall read the said by-law a third time and pass the same. If by-law approved council to submit the same.

**24.** Within one month after the passing of such by-law the said council and the mayor, warden, reeve or other head or other officers thereof shall issue or dispose of the debentures provided for by the by-law, and deliver the same duly executed to the trustees appointed or to be appointed under this Act. And issue debentures

**25.** In case any such loan, guarantee or bonus be so granted by a portion of a township municipality the rate to be levied for the payment of the debentures issued therefor and the interest thereon shall be assessed and levied upon such portion only of such municipality. Levying rate on a portion of a municipality

**26.** The provisions of *The Municipal Act* and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality to the same extent as if the same had been passed by or for the whole municipality. Application of Municipal Act as to by-laws

**27.** The councils for all corporations that may grant aid by way of bonus to the company may by resolution or by-law extend the time for the commencement of the work beyond that Extension of time for commencement.

that stipulated for in the by-law or by-laws granting such aid from time to time; provided that no such extension shall be for a longer period than one year.

Extension of  
time for com-  
pletion.

**28.** It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the company by resolution or by-law to extend the time for the completion of the works, on the completion of which the company would be entitled to such bonus from time to time; provided that no such extension shall be for a longer period than one year at a time.

Rate not ex-  
ceeding three  
cents in the  
dollar valid.

**29.** Any municipality or portion of a township municipality interested in the construction of the road of the company may grant aid by way of bonus to the said company towards the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality or portion thereof beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents on the dollar upon the value of the rateable property therein.

Exemption  
from taxation.

**30.** It shall be lawful for the corporation of any municipality through any part of which the railway of the company passes or in which it is situate, by by-law specially passed for that purpose, to exempt the company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise, in gross by way of commutation or composition, for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Grants of land

**31.** Any municipality through which the said railway may pass or is situate, is empowered to grant by way of gift to the said company any lands belonging to such municipality or over which it may have control which may be required for right of way, station grounds or other purposes connected with the running or traffic of said railway; and the said railway company shall have power to accept gifts of land from any government or any person or body corporate or politic and shall have power to sell or otherwise dispose of the same for the benefit of the company.

Power to pur-  
chase whole  
lots.

**32.** Whenever it shall be necessary for the purpose of procuring sufficient land for stations or gravel pits, or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which

which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway and may sell and convey the same or any part thereof from time to time as they may deem expedient, but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section. Rev. Stat. c. 207.

**33.** When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause an Ontario land surveyor to make a map and description of the property so required and they shall serve a copy thereof with their notice of arbitration as in the case of acquiring the roadway, and the notice of arbitration, the award and the tender of the compensation shall have the same effect as in the case of arbitration for the roadway and all the provisions of *The Railway Act of Ontario* and of this Act as to the service of said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section as to the obtaining materials as aforesaid, and such proceedings may be had by the said company either for the right to the fee simple in the land from which said materials shall be taken or for the right to take materials for any time they shall think necessary, the notice of arbitration, in case arbitration is resorted to, to state the interest required. Acquiring gravel, etc. constructing and maintaining railway.  
Rev. Stat. 207.

**34.—(1)** When said gravel, earth, stone or sand shall be taken under the preceding section of this Act, at a distance from the line of railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publications of notice shall apply and may be used and exercised to obtain the right of way from the railway to the lands on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed, for the purpose of repairing and maintaining said railway. Sidings to gravel pits.  
Rev. Stat. 207.

**(2)** When estimating the damages for the taking of gravel, stone, earth or sand, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply. Rev. Stat. c. 207.



Snow fences.

**35.** The company shall have the right on and after the first day of November in each year to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or persons whatsoever, lying along the route or line of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be hereafter established in the manner provided by law in respect of such railway, to have been actually suffered, provided always that any such snow fences so erected shall be removed on or before the first day of April next following.

Proviso.

Trustees of debentures.

**36.** Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall within six months after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario, provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or trustees. Any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable of acting, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council.

Trustees of proceeds of debentures.

**37.** The said trustees shall receive the said debentures or bonds in trust, firstly, under the directions of the company, but subject to the conditions of the by-law in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario in the name of "The North Lanark Railway Municipal Trust Account," and to pay the same out to the company from time to time as the company becomes entitled thereto, under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said railway for the time being in the form set out in Schedule B hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully

grant.



grant any such certificate under a penalty of \$500, recoverable in any court of competent jurisdiction by any person who may sue therefor.

**38.** The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed. Fees to trustees.

**39.** The directors of the said company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of \$10,000 for each mile of the said railway and the provisions of subsections 19, 20, 21, 22 and 23 of section 9 of *The Railway Act of Ontario* shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to and in conformity with the provisions of said sub-sections. Issue of bonds.  
Rev. Stat. c. 207.

**40.** The company shall have power and authority to become parties to promissory notes and bills of exchange for sums of not less than \$100 and any such promissory note or bill of exchange made, accepted or endorsed by the president, vice-president of the company and countersigned by the secretary of the company and under the authority of a quorum of the directors, shall be binding on the company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president, vice-president or the secretary be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided however, that nothing in this section shall be construed to authorize the said company to issue any promissory note or bill of exchange payable to bearer or intended to be circulated as money or as the notes or bills of a bank. Negotiable instruments.  
Proviso.

**41.** The company may from time to time for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled under the powers of this Act to issue for the construction of the said railway. Pledging bonds.

**42.** It shall be lawful for the directors of the company to enter into an agreement with any company or companies, if lawfully authorized to enter into such an agreement, person or persons, for the leasing, hiring or use of any locomotives, carriages, rolling stock, and other moveable property from such companies or persons for such time or times, and on such Agreements with other railway companies.

such terms as may be agreed on, and also to enter into any agreement with any railway company or companies if so lawfully authorized for the use by one or more of such contracting companies of the locomotives, carriages, rolling stock, and other moveable property of the other or others of them on such terms as to compensation and otherwise as may be agreed upon.

Agreements  
for amalgama-  
tion with other  
companies.

43. The said company is authorized and empowered to make necessary arrangements to contract and agree with the Kingston and Pembroke Railway Company, the Canadian Pacific Railway Company or the Ottawa, Arnprior and Parry Sound Railway Company, or any of them, if lawfully authorized to enter into such arrangements for amalgamation with any or either of them, provided that the terms of such amalgamation are approved of by two-thirds in value of the shareholders voting either in person or represented by proxy at a special general meeting to be called for that purpose in accordance with this Act.

Running ar-  
rangements  
with other  
railways.

44. The company shall have power to agree for connections and making running arrangements with the Kingston and Pembroke Railway Company, The Canadian Pacific Railway Company, and the Ottawa, Arnprior and Parry Sound Railway Company or any of them if lawfully empowered to enter into such agreement upon terms to be approved by two-thirds in value of the shareholders at a special general meeting to be held for that purpose, and it shall also be lawful for the said company to enter into an agreement with the said railway companies or any of them, if lawfully authorized to enter into such an agreement for the sale or leasing or hiring of any portion of the railway herein authorized or the use thereof, or for the sale or leasing or hiring any locomotives, tenders, plant or rolling stock or other property of any or of all or of any part thereof or touching any service to be rendered by the one company to the other and the compensation therefor if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing or entering into such an agreement for using the said railway may and are hereby authorized to work the said railway and in the same manner as if incorporated with their own line; but nothing in this or the preceding section shall be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

Telegraph and  
telephone  
lines.

45. The company may also construct an electric telegraph line and a telephone line in connection with their rail-  
way

way, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies*, being chapter 192 of the Revised Statutes of Ontario, 1897, are hereby conferred upon the company; provided, that no poles shall be erected in the construction of either of the said lines in or through any city, town or incorporated village without the consent of the council of such city, town or village being first obtained by the company; provided also, that such telegraph and telephone lines shall be used exclusively for the purposes of the business of the company.

46. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible for office in the said company. Rights of aliens.

47. Shares in the capital stock of the said company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company. Transfer of shares.

48. The said company shall have full power and authority:— Powers.

(1) To purchase land for and erect power houses, warehouses, elevators, docks, stations, workshops, machine shops, foundries and offices, and to sell and convey such land as may be found superfluous for any such purpose, and the company shall have power to build, own, operate and hold as part of the property of the said company as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railway. Power houses, warehouses, etc.

(2) To erect and maintain all necessary and convenient buildings, stations, depots, wharves and fixtures and from time to time to alter, repair or enlarge the same and to build, purchase and acquire motors, engines, carriages, wagons and other machinery and contrivances necessary or convenient for the working of the railway and the accommodation and use of the passengers, freight and business of the railway. Erect necessary buildings wharves, etc.

(3) To construct, maintain and operate works for the production of electricity for the motive power of the said railway and for the lighting and heating the rolling stock and other property of the company. Powers as to production and use of electricity



Lease or sell  
electricity not  
required.

Rev. Stat. c.  
209.

Acquiring  
rights for  
conveying  
electricity.

(4) To sell or lease any such electricity not required for the purposes aforesaid to any person or corporation, and the company in that behalf shall, subject to the provisions and restrictions of this Act, possess the powers, rights and privileges, and be subject to all the obligations and restrictions of joint stock companies incorporated under *The Act respecting Companies for supplying Steam, Heat, Electricity or Natural Gas for Heat, Light, or Power* and to acquire and hold any property necessary for the purposes mentioned in this subsection.

(5) To purchase the right to convey electricity required for the working of the railway and lighting or heating the same over, through or under lands other than the lands of the railway by this Act authorized to be built, and with the consent of the councils of the municipalities affected, to purchase the right to lay conduits under or erect poles and wires on or over such lands as may be determined by the company and along and upon any of the public highways or across any of the waters in this Province by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the cords or wires of such lines or the conduits for such electricity, upon and subject to such agreements in respect thereof as shall first be made between the company and any private owners of the land affected, and between the company and any municipality in which such works or any part thereof or of the railway may be situate, and under and subject to any by-law or by-laws of the council of such municipality passed in pursuance thereof.

Construction  
on streets, etc.

49.—(1) The railway of the company shall not be constructed or operated on, upon or along any street, highway or public place of any municipality until first authorized by an agreement in respect thereto made between the company and such municipality, and under and subject to the terms of such agreement and of this Act and of any by-law or by-laws of the council of said municipality to be passed in pursuance thereof; and in all such cases any and every work, matter or thing in connection with electricity or other motor power, and the application and using thereof in so constructing, operating and working such railway, or the cars, carriages, engines, motors or machines aforesaid shall be so constructed, erected, laid down and arranged as to impede or incommode the public use of such street, highway or public place as little as possible; and so as not to be a nuisance thereto, nor to interfere with the free access to any house or other building erected in the vicinity of the same, and the electric and other appliances shall be of such an improved manufacture and so placed as to avoid so far as possible any danger to buildings or other property, and provided that none of the works or property of the company shall be so constructed or placed as to injuriously interrupt navigation in any navigable waters.



(2) The by-laws mentioned in section 2, sub-section 5 of the preceding section and in this section shall be subject to the conditions and provisions of section 632 of *The Municipal Act*. Rev. Stat. c. 223, s. 632.

50. The company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges and without any formal transfer shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due and shall be subrogated by such payment in all the rights and remedies of such persons for such charges. Power to collect back charges on goods.

51. The said railway shall be commenced within three years and completed within six years from the passing of this Act. Commencement and completion of work.

52. The provisions of *The Electric Railway Act* shall not apply to the company hereby incorporated, but the several clauses of *The Railway Act of Ontario* and of every Act in amendment thereof shall be incorporated with and shall be deemed to be part of this Act and shall apply to the said company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act" when used herein, shall be understood to include the clauses of the said *Railway Act* and of every Act in amendment thereof, so incorporated with this Act. Incorporation of provisions of Rev. Stat. c. 207.

---

## SCHEDULE A.

(Section 6.)

Know all men by these presents that I (or we) (*insert the names or names of the vendor or vendors*) in consideration of \_\_\_\_\_ dollars paid to me (or us) by the North Lanark Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) (*insert the name or names of any other party or parties*) in consideration of \_\_\_\_\_ dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels as the case may be) of land, (*describe the land*) the same having been selected and laid out by the said company for the purposes of their railway to hold with the appurtenances unto the said The North Lanark Railway Company, their successors and assigns forever (*here insert any other clauses, covenants and conditions required*) and I (or we) the wife (or wives) of the said \_\_\_\_\_ do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and sea's) this  
day of \_\_\_\_\_ A.D. 18 \_\_\_\_

Signed, Sealed and Delivered, }

In presence of }

[L.S.]

## SCHEDULE B.

(Section 37.)

THE NORTH LANARK RAILWAY COMPANY'S OFFICE, CHIEF ENGINEER'S  
CERTIFICATE, ENGINEER'S DEPARTMENT.

No. \_\_\_\_\_

A.D. 18 \_\_\_\_

Certificate to be attached to cheques drawn on the North Lanark Railway Municipal Trust Account given under section \_\_\_\_\_, chapter \_\_\_\_\_ of the Act of the Legislature of Ontario, passed in the \_\_\_\_\_ year of Her Majesty's reign.

I, A. B., Chief Engineer of the North Lanark Railway Company, do hereby certify that the said Company has fulfilled the terms and conditions necessary to be fulfilled under the By-law No. \_\_\_\_\_ of the township of \_\_\_\_\_ (or under the agreement dated the \_\_\_\_\_ day of \_\_\_\_\_ between the corporation of \_\_\_\_\_ and the said company) to entitle the said company to receive from the said trust the sum of \$ \_\_\_\_\_, (*here set out the terms and conditions, if any which have been fulfilled.*)

## CHAPTER 101.

## An Act relating to the Sault Ste. Marie and Hudson's Bay Railway Company.

*Assented to 1st April, 1899.*

**W**HEREAS the Sault Ste. Marie and Hudson's Bay Railway Company has petitioned for an Act to extend the times for the commencement and completion of its railway; to empower the company to open and operate a waggon road from a point on the Canadian Pacific Railway at or near Missanabie Station to navigable water on Moose River and thence to tide water at or near the mouth of Moose River; to authorize the company to change its name and to make traffic or other agreements with and to amalgamate with any other company having powers to operate railways or boats to or beyond Hudson's Bay; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The times for the commencement and completion of the said railway are hereby extended for three years beyond the respective periods fixed therefor by the Act passed in the fifty-ninth year of Her Majesty's reign chaptered 108.

Extension of time for commencement and completion.

2. The company is empowered to lay out, construct, equip and operate a waggon road as a stage and mail route from or near the point of the crossing by its line of the main line of the Canadian Pacific Railway to the navigable waters of the Moose

Location of waggon road.

River

River north of the Long Portage and thence to tide water at or near the mouth of Moose River and to fix and regulate tolls for the transport of persons and property thereon or on any section thereof, and to demand and receive such tolls pending the completion of its railway in the same direction; but no tolls shall be levied or taken until approved of by the Lieutenant-Governor in Council, nor until after two weekly publications in *The Ontario Gazette* of the by-law establishing such tolls and of the Order in Council approving thereof.

Change of corporate name

3. The name of the Sault Ste. Marie and Hudson's Bay Railway Company is hereby changed, and the corporate name of the company is hereby declared to be the The Ontario, Hudson's Bay and Western Railways Company.

Authority to make agreements or amalgamate.

4. The company shall have power to amalgamate with or to agree for connections and traffic arrangements with The Hudson's Bay and Yukon Railways and Navigation Company if lawfully authorized to enter into such arrangements, upon terms to be approved of by two-thirds in value of the shareholders voting either in person or represented by proxy at a special general meeting to be called for the purpose of considering the same; but nothing in this section shall be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.



## CHAPTER 102.

## An Act to amend the Act incorporating the Smith's Falls, Rideau and Southern Railway Company.

*Assented to 1st April, 1899.*

**W**HEREAS the Smith's Falls, Rideau and Southern Railway Company have by their petition prayed that an Act may be passed authorizing the company to extend their line to the Town of Gananoque, passing through the Townships of Leeds, Lansdowne, Escott and Yonge, through or near the Villages of Charleston and Athens, in the County of Leeds; to construct and operate a system of elevated railways in conjunction with its present system; to operate its said road by compressed air as well as by electricity, and to generate the said motive power, and in other respects to extend the company's powers, and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. Section 2 of Chapter 63 of the Acts passed in the 61st year of Her Majesty's reign, intituled, *An Act to incorporate the Smith's Falls, Rideau and Southern Railway Company*, is repealed and the following substituted therefor. 61 V. c. 63 s 2 repealed

2.—(1) The company is hereby authorized and empowered to survey, lay out, construct, make, complete, alter and keep in repair iron or steel railways to be operated by electricity, or compressed air, with double or single iron or steel track or Location of line.

tracks, with all necessary switches and turnouts, within the limits of the Town of Smith's Falls, and from thence passing through the Townships of South Elmsley, South Burgess, Bastard, South Crosby, Leeds, Lansdowne, Escott, Yonge and Kitley, through or near the Villages of Portland and Jones' Falls, the Town of Gananoque, the Villages of Charleston, Athens and Toledo, in the County of Leeds, to the said Town of Smith's Falls; and from the said Town of Smith's Falls through the Township of Montague, in the County of Lanark, the Townships of Wolford, Oxford, South Gower, Edwardsburg and Augusta, in the County of Grenville, and the Townships of Elizabethtown, Kitley and South Elmsley, in the County of Leeds, passing through or near the Villages of Merrickville, Oxford Mills, and North Augusta, in the said County of Grenville, to the said Town of Smith's Falls, and the said railways or any part thereof, so far as the same may be operated by electricity or compressed air, may be carried along, upon and above such public highways, as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to the restrictions and provisions therein and in *The Electric Railway Act*, contained, except as in this Act, or any amendment thereto otherwise provided and under and subject to any agreements between the company and the councils of any of the said corporations and between the company and the road companies (if any) interested in such highways; and the company may make and enter into any agreements with any municipal corporation, or road company, as to the terms of occupancy of any street or highway, subject except as aforesaid to the provisions and conditions contained in *The Electric Railway Act*, and in *The Municipal Act*, and any Act or Acts amending the same.

Rev. Stat. c.  
209.

Rev. Stat. cc.  
209, 223.

Authorized to  
operate elevated  
railways.

(2) The iron or steel railways mentioned in the preceding subsection include not only the ordinary surface railways but elevated railways as well, built upon such superstructure, with such appurtenances thereto as in the view of the company shall be best adapted for the operating of their said railway as an elevated line.

61 V. c. 63 s.  
15, 19, 20 and  
Rev. Stat. c.  
209 s. 39, 40  
and 42 not to  
apply to ele-  
vated railways

2. Subsection 6 of section 18 of the said Act passed in the 61st year of Her Majesty's reign, chaptered 63, is amended by adding the words "or other" after the word "electric" in the first line of said subsection, and by adding the words "and compressed air" after the word "electricity" in the fourth line of the said sub-section.

61 V. c. 63 s.  
15, 19, 20 and  
Rev. Stat. c.  
209 s. 39, 40  
and 42 not to  
apply to ele-  
vated railways

3. Sections 15, 19 and 20 of the said Act and sections 39, 40 and 42 of *The Electric Railway Act* shall not apply to any elevated system of railways of the said company.

Rev. Stat. c.  
209, s. 9, subs.  
4, not to apply.

4. Subsection 4 of section 9 of *The Electric Railway Act*, shall not apply to the said company or its railways and any and every agreement made with a municipal corporation under this

this Act, or the said Act to incorporate the Smith's Falls, Rideau and Southern Railway and authorized by by-law of the said municipality, shall be valid and effectual notwithstanding the said subsection.

5. Section 70 of *The Electric Railway Act*, shall not apply to the said company or its railways but in case any by-law for granting aid from a municipal corporation to the company which has been submitted to the ratepayers is approved of and carried in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting the municipal council shall read the said by-law a third time and pass the same.

Rev. Stat. c. 209 s. 70, not to apply.

6. Section 29 of the said Act to incorporate the Smith's Falls, Rideau and Southern Railway Company is amended by substituting for the words "sub-section 5" in the tenth line thereof the words "sub-sections 3 and 5."

61 V. c. 63 s. 29 amended.

7. The said railway shall be commenced within three years and completed within five years after the passing of this Act.

Time for commencement and completion.

8. Section 30 of the said Act to incorporate The Smith's Falls, Rideau and Southern Railway Company is repealed.

61 V. c. 63 s. 30 repealed.

## CHAPTER 103.

## An Act to incorporate The Thessalon and Grand Portage Railway Company.

*Assented to 1st April, 1899.*

## Preamble.

**W**HEREAS H. R. McDonald, T. J. McCort, J. J. Ansley, J. B. Dobie, F. R. Bennett, T. Buchanan, A. A. Burk, W. Keetch, Thomas Cullis, W. Hetherington, W. Bowers, W. L. Nichols, D. J. Sandie, W. Ruddy, and D. R. Dobie, all of the Town of Thessalon, in the District of Algoma, have by their petition prayed for an Act of incorporation under the name of "The Thessalon and Grand Portage Railway Company" for the purpose of constructing, maintaining and operating a steam railway from a point at or near the Town of Thessalon in the District of Algoma, thence in a northwesterly direction passing through the Townships of Thessalon, Kirkwood, Bridgland, Wells and Gould to a point known as the Grand Portage on the Mississaga River in the said Township of Gould, and thence in a northerly direction through the Township of Gould and the unorganized district, a distance of about thirty miles; and whereas it is expedient to grant the prayer of the said petition:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**Incorporation.** 1. H. R. McDonald, T. J. McCort, J. J. Ansley, J. B. Dobie, F. R. Bennett, T. Buchanan, A. A. Burk, W. Keetch, Thomas Cullis, W. Hetherington, W. Bowers, W. L. Nichols, D. J.

Sandie,



Sandie, W. Ruddy and D. R. Dobie, together with all such persons and corporations as shall become shareholders in the company hereby incorporated shall be and are hereby constituted a body corporate and politic by the name of "The Thessalon and Grand Portage Railway Company" hereinafter called "the company."

2. The several clauses of *The Railway Act of Ontario* and of every Act in amendment thereof shall be incorporated with and be deemed to be part of this Act and shall apply to the said company and to the railway to be constructed by them except only so far as they may be inconsistent with the express enactments hereof and the expression "this Act" when used herein shall be understood to include the clauses of the said *Railway Act* and of every Act in amendment thereof so incorporated with this Act. Rev. Stat.  
c. 207  
incorporated.

3. The company, their agents and servants shall have full power and authority to survey, lay out, construct, complete, and operate a single or double line of railway to be operated by steam from a point at or near the Town of Thessalon in the District of Algoma, thence in a north-westerly direction passing through the Townships of Thessalon, Kirkwood, Bridgland, Wells and Gould to a point known as The Grand Portage on the Mississaga River in the said Township of Gould and thence in a northerly direction through the Township of Gould and the unorganized district a distance of about thirty miles. Location of  
line.

4. The gauge of the said railway shall be four feet eight and one-half inches. Gauge.

5. The company shall have power to purchase, lease or acquire at any point where their railway or any branch thereof touches or approaches within two miles thereof any navigable waters sufficient lands for the uses of the company and the company may erect warehouses, docks, wharfs, stations, workshops and such other buildings as may be necessary for the purpose of the company and may sell or convey such land as may be found superfluous for such purposes. Purchase of  
lands and  
erection of  
warehouses,  
etc.

6. The company shall have power to agree for connections and making running arrangements with the Canadian Pacific Railway Company, or any other connecting company, if lawfully empowered to enter into such arrangements, upon terms to be approved by two-thirds in value of the shareholders at a special general meeting to be held for that purpose; and it shall also be lawful for the said company to enter into an agreement with such companies, or either of them, if lawfully authorized to enter into such an agreement, for the sale or leasing or hiring of the whole or any portion of the railway herein authorized, or the use thereof, or for the sale or leasing or hiring any locomotives, tenders, plant or rolling stock or other property, Agreements  
with other  
companies.

property, or of any part thereof, or touching any service to be rendered by the one company to the other and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting in person or by proxy, at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing or entering into such an agreement for using the said railway may and are hereby authorized to work the said railway, and in the same manner as if incorporated with their own line; but nothing in this section shall be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

Telegraph  
and telephone  
lines.

7. The company may also construct an electric telegraph line and a telephone line in connection with their railway, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act Respecting Telegraph Companies* being chapter 192 of the Revised Statutes of Ontario, 1897, are hereby conferred upon the company; provided, that no poles shall be erected in the construction of either of the said lines in or through any city, town or incorporated village without the consent of the council of such city, town or village being first obtained by the company; provided also, that such telegraph and telephone lines shall be used exclusively for the purposes of the business of the company.

Snow fences.

8. The company shall have the right on and after the first day of November in each year to enter into or upon any lands of Her Majesty or into or upon any lands of any corporation or person whatsoever lying along the route or line of said railway and to erect and maintain snow fences thereon subject to the payment of such damages (if any) as may be hereafter established in the manner provided by law in respect of such railway to have been actually suffered. Provided always that any such snow fences so erected shall be removed on or before the first day of April following.

Proviso.

Provisional  
directors.

9. H. R. McDonald, T. J. McCort, J. J. Ansley, J. B. Dobie, F. R. Bennett, T. Buchanan, A. A. Burk, W. Keetch, Thomas Cullis, W. Hetherington, W. Bowers, W. L. Nichols, D. J. Sandie, W. Ruddy and D. R. Dobie with power to add to their numbers are hereby constituted a board of provisional directors of the company and shall hold office as such until other directors shall be elected under the provisions of this Act by the shareholders and shall have power to fill the place or places of any of their number which may become vacant and to open stock books and procure subscriptions for the undertaking, to

make

make calls upon the subscribers, to cause surveys and plans to be executed, and to call a general meeting of the shareholders for the election of directors as hereinafter provided, and with all such other powers as under the *Railway Act of Ontario* are vested in ordinary directors : and such provisional directors may appoint a committee from their numbers to open such stock books giving at least four weeks notice in the *Ontario Gazette* and in one paper published in the District of Algoma of the time and place of meeting to open such books and receive such subscriptions and the said committee or a majority of them may in their discretion exclude any person from subscribing.

Rev. Stat.  
c. 207.

**10.** The capital stock of the company hereby incorporated shall be \$2,000,000 (with power to increase the same in the manner provided by *The Railway Act of Ontario*) to be divided into twenty thousand shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in the company, and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway and the other purposes of this Act.

Capital stock.

Rev. Stat. c.  
207.

**11.** When and so soon as shares to the amount of \$100,000 in the capital stock of the company shall have been subscribed and ten per cent. paid thereon into a chartered bank of the Dominion having an office in the Province of Ontario to the credit of the company (and which shall on no account be withdrawn therefrom unless for the services of the company) the provisional directors or a majority of them present at a meeting duly called for the purpose shall call a general meeting of the shareholders for the purpose of electing directors of the company giving at least four weeks' notice by advertisement in the *Ontario Gazette* and in one or more newspapers published in the said District of Algoma of the time, place and purpose of said meeting.

First election  
of directors.

**12.** At such general meeting the shareholders present either in person or by proxy, who shall at the opening of such meeting have paid up ten per centum on the stock subscribed by them, shall elect not less than five and not more than nine persons to be directors of the company in manner and qualified as hereinafter mentioned, who shall constitute a board of directors and shall hold office until the next general annual meeting, and may pass such rules, regulations and by-laws as may be deemed expedient and are not inconsistent with this Act and *The Railway Act of Ontario*; and the said board may employ and pay one of their number as managing director.

Number of  
directors.



Allotment of stock.

**13.** It shall be lawful for the directors in procuring subscriptions for stock to allot such stock in such amounts and subject to the payment of such calls of such amount and at such times and at such discount as they think fit, or they may agree for the sale of such stock or any part thereof, at such price as they may think fit, and may stipulate for the payment of the purchase money at the time of subscription, or by instalments, and the amount of every such instalment, as and when payable, shall be deemed to be money due in respect of a call duly made in accordance with the provisions of *The Railway Act of Ontario*; and non-payment of any such instalment shall carry with it all the rights, incidents and consequences as mentioned in the said Act, as in the case of a call due by a shareholder on a share.

Rev. Stat. c. 207.

Power to make certain payments in paid-up stock.

**14.** The said provisional directors or the elected directors may pay or agree to pay in paid up stock or in the bonds of the company such sums as they may deem expedient to engineers or contractors or for the right of way, or material, plant or rolling stock, and also when sanctioned by a vote of the shareholders at any general meeting, for the services of promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking, or purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not; and any agreements so made shall be binding on the company.

Annual meeting.

**15.** The head office of the company shall be at the Town of Thessalon and the general annual meeting of the shareholders of the company shall be held at such place in the said Town of Thessalon and on such days and at such hours as may be directed by the by-laws of the company; and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in one newspaper published in the said Town of Thessalon during the four weeks immediately preceding the week in which such meeting is to take place.

Special general meetings.

**16.** Special general meetings of the shareholders of the company may be held at such place in the Town of Thessalon and at such times and in such manner and for such purposes, as may be provided by the by-laws of the company, upon such notice as is provided in the last preceding section.

Qualification of directors

**17.** In the election of directors under this Act no person shall be elected director unless he shall be the holder and owner of at least five shares of the stock of the company upon which all calls have been paid up.

Shareholders right to vote.

**18.** Aliens, as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the company, and all such shareholders shall be entitled to vote on



on their shares equally with British subjects, and shall also be eligible to office as directors in the company.

**19.** At all meetings of the board of directors, whether of provisional directors or of those elected by the shareholders, five directors shall form a quorum for the transaction of business. Quorum of directors.

**20.** Any municipality through which said railway may pass or is situate is empowered to grant by way of gift to the company any lands belonging to such municipality or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway; and the company shall have power to accept gifts of land from any government or any person or body politic or corporate, and shall have power to sell or dispose of the same for the benefit of the company. Grants of land to company.

**21.** The company shall have power to purchase and hold such lands as may be required at the extremity of the said railway for the purpose of building thereon storehouses, warehouses, engine houses and other erections for the use of the said company, and the same or portions thereof in their discretion, to sell or convey and also to make use for the purposes of the said railway, of any stream or water course at or near which the said railway passes, doing however no unnecessary damage thereto, and not impairing the usefulness of such stream or watercourse. Power to hold additional property at extremities of railway.

**22.** It shall be lawful for the corporation of any municipality through any part of which the railway of the said company passes or is situate, by by-law specially passed for that purpose, to exempt the company and its property within such municipality either in whole or in part from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise in gross or by way of commutation or composition for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as to such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein. Power to exempt from taxation.

**23.** The company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than \$100, and any such promissory note or bill of exchange made, accepted or endorsed by the president or vice-president of the company, and countersigned by the secretary of the company, and under the authority of a quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the Negotiable instruments.

the contrary be shown, and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the president, vice-president or the secretary be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Issue of  
bonds.

**24.** The directors of the company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of \$10,000 for each mile of the said railway, and the provisions of sub-sections 19, 20, 21, 22 and 23 of section 9 of *The Railway Act of Ontario* shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to, and in conformity with the provisions of the said sub-sections.

Rev. Stat. c.  
207.

Pledging  
stock.

**25.** The company may from time to time for advances of money to be made thereon mortgage or pledge any bonds which they may be enabled under the powers of this Act to issue for the construction of the said railway.

Form of con-  
veyances.

**26.** Conveyances of lands to the company for the purposes of and powers given by this Act made in the form set forth in schedule "A" hereunder written, or to the like effect, shall be sufficient conveyance to the company, their successors and assigns, of the estate or interest therein mentioned and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required by the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Power to build  
railway by  
sections.

**27.** The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the railway of the company is to pass, together with the map or plan thereof and of its course and direction and of the lands intended to be passed over and taken therefor as far as then ascertained and also the book of reference for the railway and to deposit the same as required by the clauses of *The Railway Act of Ontario* and amendments thereto with respect to plans and surveys, by sections or portions less than the whole length of said railway authorized of such length as the company may from time to time see fit, so that no one of such sections

Rev. Stat. c.  
207.

sections or portions shall be less than ten miles in length; and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of said railway all and every one of the clauses of said *Railway Act* and the amendments thereof applied to included in or incorporated with this Act shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with a map or plan of the whole thereof and of its whole course and direction and of the lands intended to be passed over and taken and the book of reference for the whole of the said railway had been taken, made, examined, certified and deposited according to the said clauses of the said *Railway Act* and the amendments thereof with respect to plans and surveys.

Rev. Stat.  
c. 207.Rev. Stat. c.  
207.

28. The railway shall be commenced within three years and completed within six years after the passing of this Act.

Commence-  
ment and com-  
pletion.

## SCHEDULE A.

(Section 26.)

Know all men by these presents that I (or we) (*insert the name or names of the vendor or vendors*) in consideration of \$ \_\_\_\_\_ paid to me (or us) by the Thessalon and Grand Portage Railway Company the receipt whereof is hereby acknowledged, do grant and convey unto the said company and I (or we) (*insert the name or names of any other party or parties*) in consideration of \$ \_\_\_\_\_ paid to me (or us) by the said company the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels as the case may be) of land (*describe the land*) the same having been selected and laid out by the said company for the purposes of its railway, to hold with the appurtenances unto the said The Thessalon and Grand Portage Railway Company, its successors and assigns (*here insert any other clauses, conditions and covenants required*) and I (or we) wife (or wives) of the said \_\_\_\_\_ do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals this day of \_\_\_\_\_ A. D. 1 \_\_\_\_\_)

Signed sealed and delivered in the presence of \_\_\_\_\_

[L. S.]

## CHAPTER 104.

## An Act to incorporate The Thunder Bay, Nipigon and St Joe Railway Company.

*Assented to 1st April, 1899.*

Preamble.

WHEREAS George Hodder, Alexander W. Thompson, Daniel Francis Burk Michael Dwyer and Samuel Wellington Ray, all of the Town of Port Arthur, in the District of Thunder Bay, and Walter Frederick Hogarth and John McKellar, both of the Town of Fort William, in the said District of Thunder Bay, have by their petition prayed for an Act of incorporation under the name of "The Thunder Bay, Nipigon and St. Joe Railway Company" for the purpose of constructing, maintaining and operating a railway from some point at or near the Town of Port Arthur in the District of Thunder Bay in a northerly direction to or near Lake Nipigon, and thence northerly to some point at or near Lake St. Joseph in the Province of Ontario, and it has been represented that the line of the railway of the company so to be incorporated will, for the most part, be constructed in the unorganized part of the Province; and it is proposed to operate the same by steam or electricity; and whereas, owing to the location of the line of the said railway, the provisions<sup>1</sup> of *The Electric Railway Act* are not applicable to the company so to be incorporated, and the said petitioners have prayed that there may be conferred upon them the powers ordinarily given upon the incorporation of a railway to be operated by steam; and whereas for the reasons aforesaid the circumstances of the said proposed line of railway are exceptional; and whereas it is expedient to grant the prayer of the said petition :—

Therefore,



Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

1. George Hodder, Alexander W. Thompson, Daniel Francis Burk, Michael Dwyer, Samuel Wellington Ray, Walter Frederick Hogarth and John McKellar, together with such other persons and corporations as shall hereafter become shareholders of the company hereby incorporated, are hereby constituted a body corporate and politic under the name of "The Thunder Bay, Nipigon and St. Joe Railway Company, hereinafter called "the company."

Incorporation.

2. The company is hereby authorized and empowered to survey, lay out, construct, complete, equip and maintain a railway to be operated by steam or electricity, with double or single iron or steel tracks, from some point at or near the Town of Port Arthur, in the district of Thunder Bay, in a northerly direction to or near Lake Nipigon, and thence northerly to some point at or near Lake St. Joseph, in the Province of Ontario, and to construct and operate one or more branch lines of railway, each branch not to exceed twelve miles in length; and the said railway, or any part thereof, so far as the same may be operated by electricity, may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to the restrictions and provisions therein and in this Act contained, and under and subject to any agreements between the company and the councils of any of the said corporations, and between the company and the road companies (if any) interested in such highways; and the company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions and conditions contained in this Act and in *The Municipal Act*.

Location of line.

Rev. Stat. c. 223.

3. The gauge of the said railway shall be four feet, eight and one-half inches.

4. The said George Hodder, Alexander W. Thompson, Daniel Francis Burk, Michael Dwyer, Samuel Wellington Ray, Walter Frederick Hogarth and John McKellar, with power to add to their number, shall be, and are hereby constituted, a board of provisional directors of the company, of whom a majority shall be a quorum, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

Provisional directors.

5. The said board of provisional directors shall have full power forthwith to open stock-books and procure subscriptions of stock for the undertaking and to allot the stock and receive payments on account of stock subscribed, and to make calls upon

General powers of provisional directors.

Debenture  
stock.

upon subscribers in respect of their stock and to sue for and recover the same; and the said board shall also have full power by by-laws, which shall be registered in the manner hereinafter prescribed and shall not be repealed unless in conformity with the conditions therein contained, to issue from time to time debenture stock payable at the end of twenty-one years to an amount not exceeding \$3,000 per mile of the railway completed or actually under construction; and the said debenture stock may bear interest at any rate not to exceed five per cent. per annum payable half-yearly. A duplicate original of every such by-law certified under the hands of the secretary and one of the directors or members of the said board and the seal of the company shall be registered without further proofs in the registry office for the District of Thunder Bay. Twenty per cent. of the gross earnings of the railway shall be reserved and the same is hereby pledged for the payment of the interest on the said debenture stock and shall be deposited regularly month by month every month in some chartered bank in the Dominion of Canada to the credit of a special account, and shall be used only for the purpose of paying the interest on the said debenture stock for the said 21 years, but when and so soon as such an amount of the gross earnings of the railway has been so deposited as will satisfy the half-yearly payment of interest on the said debenture stock next accruing due as well as all arrears of such interest, if any, the balance of the said twenty per cent. of the gross earnings for the remainder of the current half-year may be applied to and used for the ordinary purposes of the company. Five per cent. of the gross earnings of the company shall be deposited monthly to the credit of a sinking fund account in the said bank and shall be withdrawn for no other purpose than the payment or redemption of the said debenture stock or some part thereof. The said debenture stock shall be a first lien or charge upon all the property of the company whether real or personal. The company may at any time redeem and cancel the said debenture stock or any particular share or shares thereof upon giving to the holders of such stock or shares six months' notice by publication in the *Ontario Gazette* and upon payment of a premium of five per cent. upon the share or shares so redeemed. The said board shall also have full power to cause plans and surveys to be made, and to receive for the company any grant, loan, bonus or gift made to it or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as under *The Railway Act* of Ontario, are vested in ordinary directors. The said directors, or a majority of them, or the board of directors to be elected as hereinafter mentioned may, in their discretion exclude any one from subscribing for stock who, in their judgment would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if, at any time a portion, or more

than

Rev. Stat.  
c. 207.

than the whole stock shall have been subscribed, the said provisional directors, or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation, the said directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the said Town of Port Arthur, or at such other place as may best suit the interests of the said company.

6. Conveyances of lands to the company for the purposes of, and powers given by this Act, made in the form set forth in schedule "A" hereunder written, or to the like effect, shall be sufficient conveyance to the company, their successors and assigns, of the estate or interest therein mentioned and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in the same manner, and on such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Conveyance of land to company.

7. No subscription for stock in the capital of the company shall be binding on the company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Subscription for stock when binding.

8. The company may receive from any government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway by way of gift, bonus or loan of money, or debentures, or other securities for money or by way of guarantee upon such terms and conditions as may be agreed upon.

Aid to railway.

9. The capital stock of the company hereby incorporated shall be \$2,000,000 (with power to increase the same in the manner provided by *The Railway Act* of Ontario), to be divided into 20,000 shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in the company; and the money so raised, together with the proceeds of the debenture stock shall be applied, in the first place, to the payment of all fees, expenses and disbursements of, and incidental to, the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway, and to the other purposes of this Act.

Capital stock.  
Rev. Stat. c. 207.



First election  
of directors.

**10.** When, and as soon as shares to the amount of \$50,000 in the capital stock of the company shall have been subscribed, and ten per centum paid thereon, into a chartered bank of the Dominion, having an office in the Province of Ontario, to the credit of the company, and which shall, on no account, be withdrawn therefrom unless for the services of the company the said provisional directors, or a majority of them, shall call a general meeting of the shareholders, for the purpose of electing directors of the said company, giving at least four weeks' notice of such meeting by advertisement in *The Ontario Gazette*, and in at least one newspaper published in the said town of Port Arthur, of the time, place and purpose of said meeting.

Number of  
directors and  
quorum.

**11.** At such general meeting the shareholders present either in person or by proxy, who shall at the opening of such meeting have paid up ten per centum on the stock subscribed by them, shall elect not less than five and not more than seven persons to be directors of the said company, in manner and qualified as hereinafter mentioned, who shall constitute a board of directors and shall hold office until the next general annual meeting, and a majority of the directors shall form a quorum of the board, and may pass such rules, regulations and by-laws as may be deemed expedient and are not inconsistent with this Act and *The Railway Act of Ontario*; and the said board may employ and pay one of their number as managing director.

Rev. Stat.  
c. 207.

Qualification  
of directors.

**12.** No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the said company, and unless he has paid up all calls thereon.

Power to con-  
struct line in  
sections.

**13.** The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railway is to pass, together with the map or plan thereof, and of their course and direction, and of the lands intended to be passed over and taken therefor so far as then ascertained, and also the book of reference for the railway, and to deposit the same as required by the clauses of *The Railway Act of Ontario* and the amendments thereto, with respect to "plans and surveys" by sections or portions less than the length of the whole railway authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than ten miles in length, and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the said *Railway Act* and the amendments thereof applied to, included in or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railway, as fully and effectually as if the surveys and levels had been taken and made of the lands through which the

Rev. Stat.  
c. 207.1



the whole of the said railway is to pass, together with the map or plan of the whole thereof and of their whole course and direction and of the lands intended to be passed over and taken and the book of reference of the whole of said railways had been taken, made, examined, certified and deposited according to the said clauses of the said *Railway Act* and the amendments thereof, with respect to "plans and surveys."

**14.** Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible for office as directors of the company. Rights of aliens.

**15.** The directors may from time to time make calls as they shall think fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call as provided in section 17 of this Act. Calls on stock.

**16.** The provisional directors or the elected directors may pay or agree to pay in paid-up stock, debenture stock or in the bonds of the company, such sums as they may deem expedient, to engineers or contractors, or for right of way, or material, plant or rolling stock, and also when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters or other persons who may be employed by the directors in furthering the undertaking, or for the purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company. Payments in stock or bonds.

**17.** The head office of the company shall be at the said Town of Port Arthur, and the general annual meeting of the shareholders of the said company shall be held in such place in the said Town of Port Arthur, on such days, and at such hours as may be directed by the by-laws of the company; and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in one newspaper published in the said Town of Port Arthur during the four weeks immediately preceding the week in which such meeting is to take place. Head office, general annual meeting.

**18.** Special general meetings of the shareholders of the company may be held at such places and at such times and in such manner and for such purposes as may be provided by the by-laws of the company, and upon such notice as is provided in the last preceding section. Special general meetings.

Proxies.

**19.** At all meetings of the company the shareholders thereof may vote by proxy and the proxy may be appointed in such manner and by such means as the by-laws of the company may provide, but no person shall be qualified to be so appointed who is not himself a shareholder in the company.

Issue of bonds.

**20.** The directors of the company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of \$10,000 for each mile of the said railway and branches, and the provisions of sub-sections 19, 20, 21, 22 and 23 of section 9 of *The Railway Act of Ontario* shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to, and in conformity with the provisions of the said sub-sections.

Rev. Stat. c. 207.

Bonds, etc., how payable.

**21.** All such bonds, debentures and other securities and coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, and any holder of any such securities so made payable to bearer, may sue at law thereon in his own name.

Transfer of bonds.

Negotiable instruments

**22.** The company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than \$100, and any such promissory note or bill of exchange made, accepted or endorsed by the president, vice-president or general manager of the company, and countersigned by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown; and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the persons signing the same be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the company to issue any promissory note or bill of exchange payable to bearer or intended to be circulated as money or as the notes or bills of a bank.

Mortgaging or pledging bonds.

**23.** The company may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds, or debentures which they may be enabled, under the powers of this Act, to issue for the construction of the said railway.

Agreements with other companies for leasing or hiring rolling stock.

**24.** It shall be lawful for the directors of the company to enter into an agreement or agreements with any other company or companies, if lawfully authorized to enter into such agreements,

ments, or with any person or persons, for leasing, hiring or use of any locomotives, carriages, rolling stock and other movable property from such companies or persons for such time or times and on such terms as may be agreed on, and also to enter into agreements with any railway company or companies, if so lawfully authorized, for the use by one or more such contracting companies of the locomotives, carriages, rolling stock and other movable property of the other or others of them, on such terms as to compensation and otherwise as may be agreed on.

**25.** The company may also construct an electric telegraph line and a telephone line throughout and along the whole line of their railway and the branches thereof, or any part of the said railway or branches, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies*, being chapter 192 of the Revised Statutes of Ontario, 1897, are hereby conferred upon the said company; provided, that no poles shall be erected in the construction of either of the said lines in or through any city, town or incorporated village without the consent of the council of such city, town or village being first obtained by the said company; and the company may undertake the transmission of messages for the public by such line or lines of telegraph or telephone and collect tolls for so doing.

Telegraph and  
telephone  
lines.

**26.** Any municipality, or any portion of a township municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which the railway or works of the company shall pass or be situate may aid the company, by giving money or debentures by way of bonus, gift or loan or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained; provided always, that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of the municipality (as the case may be) in accordance with and as provided by law in respect to granting aid, by way of bonuses to railways.

Aid from mu-  
nicipalities

**27.** Such by-law shall be submitted by the municipal council, to the vote of the ratepayers in the manner following, namely:

Submitting  
bonus by  
by-laws.

(1) The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount; and the council shall within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same to the approval of the qualified voters.

(2) In the case of a county municipality, the petition shall be that of a majority of the members of the county council or  
of

of fifty resident freeholders, in each of the minor municipalities of the county, who are qualified voters under *The Municipal Act* and the amendments thereto.

(3) In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters under *The Municipal Act*, and amendments thereto as aforesaid.

(4) In the case of a section of a township municipality, the petition is to be presented to the council, defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

By-law what  
to contain.

28. Such by-law shall in each instance provide :

(1) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be), mentioned in the petition, by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law.

(2) For assessing and levying upon all rateable property lying within the municipality or portion of the township municipality defined in said by-law (as the case may be), an annual special rate, sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon, payable yearly or half yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof, are hereby authorized to execute and issue in such cases respectively.

Deposit to be  
made before  
by-law is sub-  
mitted.

29. Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the municipality, a sum sufficient to pay the expenses to be incurred in submitting said by-law.

Council to  
pass by-law if  
assented to by  
rate-payers.

30. In case the by-law submitted be approved of and carried, in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting, the municipal council which submitted the same shall read the said by-law a third time and pass the same.

Issue of  
debentures

31. Within one month after the passing of such by-law the said council and the mayor, warden, reeve or other head, or other officers thereof, shall issue or dispose of the debentures provided for by the by-law, and deliver the same, duly executed, to the trustees appointed, or to be appointed, under this Act.



**32.** In case any such loan, guarantee or bonus, be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of such municipality.

Levying rates on portion of municipality.

**33.** The provisions of *The Municipal Act* and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality, to the same extent as if the same had been passed by or for the whole municipality.

Application of provisions of Rev. Stat. c 223.

**34.** The councils for all corporations that may grant aid by way of bonus to the said company may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid, from time to time; provided that no such extension shall be for longer period than one year.

Councils may extend the time for commencement.

**35.** It shall and may be lawful for the council of any municipality that may grant aid by way of bonus, to the said company, by resolution or by-law, to extend the time for the completion of the works (on the completion of which the said company would be entitled to such bonus), from time to time, provided that no such extension shall be for a longer period than one year at a time.

Councils may extend the time for completion.

**36.** Any municipality, or portion of a township municipality, interested in the construction of the railway of the company, may grant aid by way of bonus to the said company towards the construction of such railway, notwithstanding that such aid may increase the municipal taxation of such municipality, or portion thereof, beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes exclusive of school rates, than three cents in the dollar upon the value of the rateable property therein.

Extent of aid from municipalities.

**37.** It shall be lawful for the corporation of any municipality through any part of which the railway of the company passes, or in which it is situate, by by-law specially passed for that purpose, to exempt the company and its property within such municipality, either in whole or in part from municipal assessment or taxation or to agree to a certain sum per annum, or otherwise in gross, by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

By-laws granting exemption from taxation.

Gifts of lands.

**38.** Any municipality through which the said railway may pass or is situate is empowered to grant, by way of gift to the company, any lands belonging to such municipality or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any government or any person or body corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the company.

Issue of debentures.

**39.** Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall within six months after the passing of the by-law authorizing the same be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable of acting, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council.

Trusts of proceeds of debentures.

**40.** The said trustees shall receive the said debentures or bonds in trust, firstly, under the directions of the company but subject to the conditions of the by-laws in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario in the name of "The Thunder Bay, Nipigon and St. Joe Railway, Municipal Trust Account," and to pay the same out to the said company from time to time as the said company becomes entitled thereto, under the conditions of the by-law granting the said bonus and on the certificate of the chief engineer of the said railway for the time being, in the form set out in Schedule B, hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer

shall

shall not wrongfully grant any such certificate under a penalty of \$500, recoverable in any court of competent jurisdiction by any person who may sue therefor.

41. The trustees shall be entitled to their reasonable fees and charges from the said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed. Fees to Trustees.

42. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, or for constructing, maintaining and using the said railway, and in case, by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands and also the right of way thereto if the same be separated from their railway, and may sell and convey the same or any part thereof, from time to time, as they may deem expedient; but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section. Power purchase whole lots.  
Rev. Stat. c. 207.

43. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate, for the purchase thereof, cause an Ontario Land Surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of the compensation, shall have the same effect as in case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario* and of this Act as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section as to the obtaining materials as aforesaid; and such proceedings may be had by the said company, either for the right to the fee simple in the land from which said materials shall be taken or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required. Acquiring material for construction.  
Rev. Stat. c. 207.

44.—(1) When said gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publication of notice, shall apply Sidings to gravel pits.  
Rev. Stat. c. 207.



apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

Rev. Stat.  
c. 207.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, subsection 9 of section 20 of *The Railway Act of Ontario* shall not apply.

Incidental  
powers.

**45.** The company shall have power and authority—

Warehouses,  
docks, etc-

(1) To purchase land for and erect power-houses, warehouses, elevators, docks, stations, work-shops, machine shops, foundries and offices and to sell and convey such land as may be found superfluous for any such purpose, and the company shall have power to build, own, operate and hold as part of the property of the said company as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railway;

Erect necessary  
buildings, wharfs  
etc.

(2) To erect and maintain all necessary and convenient buildings, stations, depots, wharfs and fixtures, and from time to time to alter, repair or enlarge the same and to build, purchase and acquire motors, engines, carriages, waggons and other machinery and contrivances necessary or convenient for the working of the railway and the accommodation and use of the passengers, freight and business of the railway;

Powers as to  
production  
and use of  
electricity.

(3) To construct, maintain and operate works for the production of electricity for the motive power of the said railway, and for the lighting and heating the rolling stock and other property of the company.

Lease or sell  
electricity not  
required for  
railway.

(4) To sell or lease any such electricity not required for the purposes aforesaid to any person or corporation, and the company in that behalf shall, subject to the provisions and restrictions of this Act, possess the powers, rights and privileges, and be subject to all the obligations and restrictions of joint stock companies incorporated under *The Act respecting Companies for supplying Steam, Heat, Electricity or Natural Gas for Heat, Light or Power*, and to acquire and hold any property necessary for the purposes mentioned in this subsection;

Rev. Stat.  
c. 200.

Acquiring  
rights for con-  
veying elec-  
tricity.

(5) To purchase the right to convey electricity required for the working of the railway and lighting or heating the same over, through or under lands other than the lands of the said railway, and with the consent of the councils of the municipalities affected, to purchase the right to lay conduits under, or erect poles and wires on or over such lands as may be determined



terminated by the company, and along and upon any of the public highways, or across any of the waters in this Province by the erection of the necessary fixtures, including posts, piers, or abutments for sustaining the cords or wires of such lines, or the conduits for such electricity, upon and subject to such agreement in respect thereof as shall first be made between the company and any private owners of the land affected, and between the company and any municipality in which such works or any part thereof or of the railway may be situate, and under and subject to any by-law or by-laws of the council of such municipality passed in pursuance thereof.

**46.**—(1) The railway of the company shall not be constructed or operated on, upon or along any street, highway or public place of any municipality until first authorized by an agreement in respect thereto made between the company and such municipality, and under and subject to the terms of such agreement and of this Act, and of any by-law or by-laws of the council of said municipality to be passed in pursuance thereof; and in all such cases any and every work, matter or thing in connection with electricity or other motor power, and the application and using thereof in so constructing, operating and working such railway, or the cars, carriages, engines, motors or machines aforesaid shall be so constructed, erected, laid down and arranged as to impede or incommode the public use of such street, highway or public place as little as possible, and so as not to be a nuisance thereto, nor to interfere with the free access to any house or other building erected in the vicinity of the same, and the electric and other appliances shall be of such an improved manufacture and so placed as to avoid so far as possible any danger to buildings or other property, and provided that none of the works or property of the company shall be so constructed or placed as to injuriously interrupt navigation in any navigable water.

Construction of railway on streets.

(2) The by-laws mentioned in section 2, subsection 5 of the preceding section and in this section shall be subject to the conditions and provisions of section 632 of *The Municipal Act*.

Rev. Stat. c. 223, s. 632.

**47.** The company shall have the right on and after the first day of November in each year to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or persons whatsoever, lying along the route or line of the said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be thereafter established in the manner provided by law in respect of such railway to have been actually suffered: provided always that any such snow fences so erected shall be removed on or before the first day of April following.

Power to erect snow fences.

Authority to  
enter into  
agreements  
with other  
companies.

**48.** It shall be lawful for the company to enter into any agreement with the Canadian Pacific Railway Company, the Ontario and Rainy River Railway Company and the Port Arthur, Duluth and Western Railway Company, if lawfully empowered to enter into such agreement, for leasing to them the said railway or any part thereof, and it shall further be lawful for the company to enter into any agreements with the said companies or either of them, if so lawfully authorized, for the working of the said railway, or for running powers over the same, on such terms and conditions as the directors of the several contracting companies may agree on, or for leasing and hiring from such other contracting company or companies any portion of their railway or the use thereof, and generally to make any agreement or agreements with the said companies, if so lawfully authorized, touching the use by one or the other or by both companies of the railway, or the rolling stock of either or both, or any part thereof, or touching any service to be rendered by the one company to the other and the compensation therefor, and any such agreement shall be valid and binding, according to the terms and tenor thereof and the company or companies leasing or entering into such agreement for using the said line may and are hereby authorized to work the said railway in the same manner and in all respects as if incorporated with its own line, and to exercise so far as the same are applicable, all the rights, powers and privileges by this Act conferred; provided that every such lease or agreement shall first be sanctioned at a special general meeting called for the purpose of considering the same according to the by-laws of the company and the provisions of this Act, by the vote of two-thirds in value of the shareholders present in person or by proxy at such meeting.

Amalgama-  
tion.

**49.** The company is also authorized and empowered to make necessary arrangements and to contract and agree with the Canadian Pacific Railway Company, the Ontario and Rainy River Railway Company and the Port Arthur, Duluth and Western Railway Company, if lawfully empowered to enter into such arrangement, for amalgamation with the said company, or for leasing their said line or any part or parts thereof to the said company, and may also make traffic or running arrangements with any such company, provided that the terms of such amalgamation or lease are approved of by two-thirds of the shareholders present in person or represented by proxy at a special general meeting to be held for that purpose in accordance with this Act; but nothing in this or the preceding section shall be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province.

Transfer of  
shares.

**50.** Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certifies

cates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

51. The company shall have power to collect and receive all charges, subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods or commodities as the persons to whom such charges were originally due had upon such goods or commodities while in their possession, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Payment of  
back charges  
of goods.

52. The provisions of *The Electric Railway Act* shall not apply to the company hereby incorporated, but the several clauses of *The Railway Act of Ontario*, and of every Act in amendment thereof shall be incorporated with, and be deemed to be part of this Act, and shall apply to the said company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act and of every Act in amendment thereof so incorporated with this Act.

Incorporation  
of provisions  
of Rev. Stat.  
c. 207,

53. The railway shall be commenced within three years, and finally completed within seven years after the passing of this Act.

Commence-  
ment and com-  
pletion of line.

## SCHEDULE A.

(Section 6.)

Know all men by these presents that I (or we) (*insert the name or names of the vendor or vendors*) in consideration of \$ \_\_\_\_\_ paid to me (or us) by the Thunder Bay, Nipigon and St. Joe Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) (*insert the name or names of any other party or parties*) in considerations of \$ \_\_\_\_\_, paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels as the case may be) of land, (*describe the land,*) the same having been selected and laid out by the said company for the purposes of its railway to hold, with the appurtenances unto the said the Thunder Bay, Nipigon and St. Joe Railway Company, their successors and assigns forever, (*here insert any other clauses, conditions and covenants required*) and I (or we) the wife (or wives) of the said \_\_\_\_\_ do hereby bar my (or our) dower to the said lands.

As witness my (or our) hand and seal (or hands and seals) this \_\_\_\_\_ day of \_\_\_\_\_, one thousand eight hundred and ninety-

Signed, sealed and delivered  
the presence of

[L.S.]

SCHEDULE

## SCHEDULE B.

*Section 40.)*

## CHIEF ENGINEER'S CERTIFICATE.

The Thunder Bay, Nipigon and St. Joe Railway Company's Office,  
No. A.D. 18 .

## ENGINEER'S DEPARTMENT.

Certificates to be attached to cheques drawn on the Thunder Bay, Nipigon and St. Joe Railway Company Municipal Trust Account given under section , chapter , of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's reign.

I, chief engineer of the Thunder Bay, Nipigon and St. Joe Railway Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. of the township of (or under the agreement dated the day of , 18 , between the corporation of and the said company) to entitle the said company to receive from the said trust the sum of  
(here set out the terms and conditions, if any, which have been fulfilled.)



## CHAPTER 105.

An Act to incorporate the Toronto, Lindsay and  
Pembroke Railway Company.*Assented to 1st April, 1899.*

**W**HEREAS William Russell, the younger, Francois E. Fortin, Joseph A. Thibodeau, Robert W. Gordon and John G. Forgie, all of the Town of Pembroke, in the County of Renfrew, have by their petition prayed for an Act of incorporation under the name of "The Toronto, Lindsay and Pembroke Railway Company" for the purpose of constructing, maintaining and operating a steam railway from a point at or near Golden Lake in the Township of South Algona, thence in a south-westerly direction passing through the Townships of Hagarty, Brudenell, Radcliffe and Raglan in the County of Renfrew and the Townships of Carlow, Monteagle and Dunganon in the County of Hastings to the Village of Bancroft in the Township of Faraday in the said county; and whereas it is expedient to grant the prayer of the said petition:

Preamble.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. William Russell the Younger, Francois E. Fortin, Joseph A. Thibodeau, Robert W. Gordon and John G. Forgie, all of the Town of Pembroke, in the County of Renfrew, and William H. S. McCallum, of the City of Toronto, together with all such other persons and corporations as shall become shareholders in the company hereby incorporated, shall be and are hereby constituted a body corporate and politic by the

Incorporation

name

name of "The Toronto, Lindsay and Pembroke Railway Company," hereinafter called "the company."

Location of  
line.

2. The company shall have full power and authority to survey, lay out, construct, complete, equip and operate a steam railway from a point at or near Golden Lake, in the Township of South Alcona in the County of Renfrew, thence in a south-westerly direction, passing through the Townships of Hagarty, Brudenell, Radcliffe and Raglan in the said County of Renfrew, and the Townships of Carlow, Monteagle and Dungannon in the County of Hastings, to the Village of Bancroft in the Township of Faraday in the said county.

Gauge.

3. The gauge of the said railway shall be four feet, eight and one-half inches.

Provisional  
directors.

4. The said William Russell, the Younger, Francois E. Fortin, Joseph A. Thibodeau, Robert W. Gordon, John G. Forgie and William H. S. McCallum, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the company, of whom a majority shall be a quorum and shall hold office as such until the first election of directors under this Act.

Powers of  
provisional  
directors.

5. The said board of provisional directors shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking, and to allot the stock and to receive payments on account of stock subscribed, and to make calls on subscribers in respect of their stock, and to sue for and recover the same, and to cause plans and surveys to be made, and to receive for the company any grant, loan, bonus or gift made to it or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as under *The Railway Act of Ontario* are vested in ordinary directors. The said directors, or a majority of them, or the board of directors, to be elected as hereinafter mentioned, may in their discretion exclude any one from subscribing for stock, who, in their judgment would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act, and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors or board of directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the said directors may in their discretion exclude any one or more of the said subscribers, if, in their judgment, such exclusion will best secure the building of the said railway, and all meetings of the provisional board of directors shall be held at the Town of Pembroke, in the County of Renfrew, or at such other place as may best suit the interests of the company.

6. Conveyances of land to the company for the purposes of and powers given by this Act made in the form set forth in Schedule A to this Act, or to the like effect, shall be sufficient conveyance to the company, their successors and assigns of the estate or interest therein mentioned, and sufficient bar of dower respectively of all persons executing the same, and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Conveyance  
land to com-  
pany.

7. No subscription for stock in the capital of the company shall be binding on the company unless it shall be approved by resolution of the directors nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Subscriptions  
for stock when  
binding.

8. The company may receive from any government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway by way of gift, bonus or loan of money or debentures, or other securities for money, or by way of guarantee upon such terms and conditions as may be agreed upon.

Aid to railway.

9. The capital stock of the company hereby incorporated shall be \$500,000, (with power to increase the same in the manner provided by *The Railway Act of Ontario*) to be divided into 5,000 shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway and to the other purposes of this Act; and until such preliminary expenses shall be paid out of such capital stock, the municipal corporation of any municipality on or near the line of such works may by resolution, of which seven days previous notice shall have been given and passed by a majority of the said municipal corporation, authorize the treasurer of said municipality to pay out of the general funds of such municipality its fair proportion of such preliminary expenses, which shall thereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the company, or be allowed to it in payment of stock.

Capital stock.

10. When and as soon as shares to the amount of \$50,000 of capital stock in said company shall have been subscribed and

First election  
of directors.

ten

ten per centum paid thereon into some chartered bank of the Dominion having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the said provisional directors or a majority of them shall call a general meeting of the shareholders for the purpose of electing directors of the company, giving at least four weeks' notice by advertisement in *The Ontario Gazette* and in one or more newspapers published in the said Town of Pembroke, of the time, place and purpose of said meeting.

Number of  
directors and  
quorum.

**11.** At such general meeting the shareholders present either in person or by proxy, who shall, at the opening of such meeting have paid up ten per centum on the stock subscribed by them, shall elect five persons to be directors of the company, in manner and qualified as hereinafter mentioned, who shall constitute a board of directors, and shall hold office until the next general annual meeting, and a majority of the directors shall form a quorum of the board, and may pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act and *The Railway Act of Ontario*.

When calls  
may be made.

**12.** The directors may from time to time make calls as they shall think fit, provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call, as provided by section 10 of this Act.

Qualifications  
of directors.

**13.** No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the company, and unless he has paid up all claims thereon.

Payments in  
stock or  
bonds.

**14.** The provisional directors or the elected directors may pay or agree to pay, in paid up stock, or in the bonds of the said company, such sums as they may deem expedient, to engineers or contractors, or for the right of way or material, plant or rolling stock, and also when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters or other persons who may be employed by the directors in furthering the undertaking, or for purchasing the right of way, material, plant, or rolling stock, whether such promoters or other persons be provisional or elected directors or not and any agreement so made shall be binding on the company.

General an-  
nual meeting.

**15.** The head office of the company shall be at the said Town of Pembroke, and the general annual meeting of the shareholders of the company shall be held in such place in the said Town of Pembroke or in such other place and on such days and at such hours as may be directed by the by-laws of the company, and public notice thereof shall be given at least

four



four weeks previously in *The Ontario Gazette* and once a week in one newspaper published in the said Town of Pembroke during the four weeks immediately preceding the week in which such meeting is to be held

**16.** Special general meetings of the shareholders of the company may be held at such place and at such times and in such manner and for such purposes as may be provided by the by-laws of the company, upon such notice as is provided in the last preceding section. General meetings.

**17.** Any municipality or any portion of a township municipality which may be interested in securing the construction of the said railway or through any part of which or near which the railway or works of the company shall pass or be situate may aid the company by giving money or debentures by way of bonus, gift or loan or by the guarantee of the municipal corporation under and subject to the provisions hereinafter contained; provided always that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of the municipality (as the case may be) in accordance with and as provided by law in respect to granting aid by way of bonuses to railways. Aid from municipalities.

**18.** Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely :— Submitting bonus by-laws.

1. The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount, and the council shall, within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for and submit the same to the approval of the qualified voters.

2. In the case of a county municipality the petition shall be that of a majority of the members of the county council or of fifty resident freeholders in each of the minor municipalities of the county who are qualified voters under *The Municipal Act* and the amendments thereto.

3. In the case of other municipalities the petition shall be that of a majority of the council thereof or of fifty resident freeholders, being duly qualified voters under *The Municipal Act* and the amendments thereto as aforesaid.

4. In the case of a section of a township municipality the petition is to be presented to the council, defining the section by metes and bounds or by lots and concessions and shall be that of a majority of the council of such township municipality or of fifty resident freeholders in such section of the municipality being duly qualified voters as aforesaid.

By-law, what  
to contain.

**19.** Such by-law shall in each instance provide :—

1. For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be) mentioned in the petition by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures or the application of the amount to be raised thereby, as may be expressed in the said by-law.

2. For assessing and levying upon all rateable property lying within the municipality or portion of the township municipality defined in said by-law (as the case may be) an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years, with interest thereon payable yearly or half yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof are hereby authorized to execute and issue in such cases respectively.

Petition  
against aid  
from county.

**20.** In case of aid from a county municipality, fifty resident freeholders of the county may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof comprised in the said by-law, would be injuriously affected thereby or upon any other ground, ought not to be included therein, and upon deposit by the petitioners with the treasurer of the county of a sum sufficient to defray the expenses of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof therefrom, and the decision of any two of them shall be final, and the by-law so confirmed or amended shall thereupon at the option of the railway company be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county, as the arbitrators may order.

“ Minor  
municipality,”  
meaning of.

**21.** The term “minor municipality” shall be construed to mean any town not separated from the municipal county, township or incorporated village, situate in the county municipality.

Deposit to be  
made before  
by-law  
submitted.

**22.** Before any such by-law is submitted the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

Council to pass  
by-law if  
assented to by  
ratepayers.

**23.** In case the by-law submitted be approved of and carried in accordance with the provisions of the law in that behalf

behalf, then within four weeks after the date of such voting the municipal council which submitted the same shall read the said by-law a third time and pass the same.

**24.** Within one month after the passing of such by-law the said council and the mayor, warden, reeve or other head or other officers thereof shall issue or dispose of the debentures provided for by the by-law, and deliver the same duly executed to the trustees appointed or to be appointed under this Act. Issue of debentures.

**25.** In case any such loan, guarantee or bonus be so granted by a portion of a township municipality the rate to be levied for payment of the debentures issued therefor and the interest thereon shall be assessed and levied upon such portion only of such municipality. Levying rates on portion of municipality.

**26.** The provisions of *The Municipal Act*, and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality to the same extent as if the same had been passed by or for the whole municipality. Application of provisions of Rev. Stat. c. 207.

**27.** The councils for all corporations that may grant aid by way of bonus to the company may by resolution or by-law extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid from time to time; provided that no such extension shall be for a longer period than one year. Councils may extend time for commencement.

**28.** It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the company by resolution or by-law to extend the time for the completion of the work, (on the completion of which the said company would be entitled to such bonus) from time to time; provided that no such extension shall be for a longer period than one year at a time. Councils may extend time for completion.

**29.** Any municipality or portion of a township municipality interested in the construction of the road of the company may grant aid by way of bonus to the company towards the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality or portion thereof beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents on the dollar upon the value of the ratable property therein. Extent of aid from municipalities.

**30.** It shall be lawful for the corporation of any municipality through any part of which the railway of the company passes or in which it is situate, by by-law specially passed for that purpose, to exempt the company and its property within such municipality either in whole or in part, from By-laws granting exemption from taxation.



from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise, in gross, by way of commutation or composition, for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Gifts of lands.

**31.** Any municipality through which the said railway may pass or is situate, is empowered to grant by way of gift to the company any lands belonging to such municipality or over which it may have control which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any government or any person or body corporate or politic and shall have power to sell or otherwise dispose of the same for the benefit of the company.

Power to purchase whole lots.

**32.** Whenever it shall be necessary for the purpose of procuring sufficient land for stations or gravel pits or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same or any part thereof from time to time as they may deem expedient, but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Rev. Stat. c. 207.

Acquiring material for construction.

**33.** When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situated for the purchase thereof, cause an Ontario Land Surveyor to make a map and description of the property so required and they shall serve a copy thereof with their notice of arbitration, as in the case of acquiring the roadway, and the notice of arbitration, the award and the tender of the compensation shall have the same effect as in case of arbitration for the roadway and all the provisions of *The Railway Act of Ontario* and of this Act as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom the lands may be taken or who may sell, shall apply to the subject matter of this section as to the obtaining materials as aforesaid, and such proceedings may be had by the company either for the right to the fee simple in the land from which said materials shall be taken or for the right to take materials for any time they shall think necessary, the notice of arbitration in case arbitration is resorted to, to state the interest required.

Rev. Stat. c. 207.



**34**—(1). When said gravel, earth, stone or sand shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario* and of this Act, except such as to relate to filing plans and publications of notice shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

Sidings to  
gravel pits.  
Rev. Stat.  
c. 207.

(2). When estimating the damages for the taking of gravel, stone, earth or sand, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply.

**35.** The company shall have the right, on and after the 1st day of November in each year to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or persons whatsoever, lying along the route or line of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be hereafter established in the manner provided by law in respect of such railway, to have been actually suffered, provided always that any such snow fences so erected shall be removed on or before the first day of April next following.

Power to erect  
snow fences.

**36.** Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall within six months after the passing of the by-law authorizing the same be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the company and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario, provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing, of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or trustees. Any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council and in case any trustee dies or resigns his trust or goes to live out

Appointment  
of trustees.

of the Province of Ontario, or otherwise becomes incapable of acting, his trustee-ship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council.

Trusts of  
debentures.

**37.** The said trustees shall receive the said debentures or bonds in trust, firstly, under the directions of the company, but subject to the conditions of the by-law in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario, in the name of "The Toronto, Lindsay and Pembroke Municipal Trust Account," and to pay the same out to the company from time to time as the company becomes entitled thereto, under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said railway for the time being, in the form set out in Schedule B. hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of \$500, recoverable in any court of competent jurisdiction by any person who may sue therefor.

Remuneration  
of trustees.

**38.** The said trustees shall be entitled to their reasonable fees and charges from said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Bonding  
powers.

**39.** The directors of the company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of \$15,000 for each mile of the said railway, and the provisions of sub-sections 19, 20, 21, 22 and 23 of section 9 of *The Railway Act of Ontario*, shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to and in conformity with the provisions of said sub-sections.

Negotiable  
instruments.

**[40.]** The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums of not less than \$100, and any such promissory note or bill of exchange made, accepted or endorsed by the president or vice-president of the company and countersigned by the secretary of the company and under the authority of a quorum of the directors, shall be binding on the company and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown, and in no case shall it be necessary

necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the president, vice-president or secretary be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank.

**41.** The said company may from time to time for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled under the powers of this Act to issue for the construction of the said railway. Pledge bonds.

**42.** It shall be lawful for the directors of the company to enter into an agreement with any company or companies, if lawfully authorized to enter into such an agreement, person, or persons for the leasing, hiring or use of any locomotives, carriages, rolling stock and other moveable property from such companies or persons for such time or times and on such terms as may be agreed on, and also to enter into agreements with any railway company or companies if so lawfully authorized for the use by one or more of such contracting companies of the locomotives, carriages, rolling stock and other moveable property of the other or others of them on such terms as to compensation and otherwise as may be agreed upon. Power to lease rolling stock.

**43.** The company is authorized and empowered to make necessary arrangements to contract and agree with the Ottawa, Arnprior and Parry Sound Railway Company; the Irondale, Bancroft and Ottawa Railway Company; the Central Ontario Railway Company and the Grand Trunk Railway Company of Canada, or either of them, if lawfully authorized to enter into such arrangements, for amalgamation with any or either of them, provided that the terms of such amalgamation are approved of by two-thirds in value of the shareholders, voting either in person or represented by proxy at a special general meeting to be called for that purpose in accordance with this Act. Amalgamation with other companies

**44.** The company shall have power to agree for connections and make running arrangements with the Ottawa, Arnprior and Parry Sound Railway Company, the Irondale, Bancroft and Ottawa Railway Company, the Central Ontario Railway Company and the Grand Trunk Railway Company of Canada, or either of them, if lawfully empowered to enter into such agreements, upon terms to be approved by two-thirds in value of the shareholders at a special general meeting to be held for that purpose and it shall also be lawful for the said company to enter into an agreement with the said railway companies, or either of them Connections with other companies.



them, if lawfully authorized to enter into such an agreement, for the sale or leasing or hiring of any portion of the railway herein authorized or the use thereof, or for the sale or leasing or hiring any locomotives, tenders, plant or rolling stock or other property of either or both or of any part thereof or touching any service to be rendered by the one company to the other and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing or entering into such an agreement for using the said railway may and are hereby authorized to work the said railway and in the same manner as if incorporated with their own line; but nothing in this or the preceding section shall be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

Telegraph and  
telephone  
lines.

45. The company may also construct an electric telegraph line and a telephone line in connection with their railway, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies*, being Chapter 192 of the Revised Statutes of Ontario, 1897, are hereby conferred upon the company; provided, that no poles shall be erected in the construction of either of the said lines in or through any city, town or incorporated village without the consent of the council of such city, town or village being first obtained by the company; provided also, that such telegraph and telephone lines shall be used exclusively for the purposes of the business of the company.

Rev. Stat.  
c. 192.

Power of  
aliens.

46. Aliens, and companies incorporated abroad, as well as British subjects and corporations may be shareholders in the company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible for office as directors in the company.

Transfer of  
shares.

47. Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

Further  
powers.

48. The company shall have full power to purchase land for and erect warehouses, elevators, docks, stations, workshops and offices, and to sell and convey such land as may be found



found superfluous for any such purpose, and the company shall have power to hold as part of the property of the company as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers and freight and other traffic in connection with the railway.

49. The company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges and without any formal transfer shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Collection of  
back charges.

50. The said railway shall be commenced within three years and completed within six years from the passing of this Act.

Time of com-  
mencement  
and comple-  
tion.

51. The several clauses of *The Railway Act of Ontario* and of every Act in amendment thereof shall be incorporated with and shall be deemed to be part of this Act and shall apply to the company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act" when used herein, shall be understood to include the clauses of the said Railway Act and of every Act in amendment thereof, so incorporated with this Act.

Incorporation  
of provisions  
of Rev. Stat.  
c. 207.

## SCHEDULE A.

### (Section 6.)

Know all men by these presents that I (or we) (*insert the name or names of the vendor or vendors*) in consideration of \_\_\_\_\_ dollars paid to me (or us) by the Toronto, Lindsay and Pembroke Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) (*insert the name or names of any other party or parties*) in consideration of \_\_\_\_\_ dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (*or those certain parcels, as the case may be*) of land (*describe the land*) the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said The Toronto, Lindsay and Pembroke Railway Company, their successors and assigns forever (*here insert any other clauses, covenants and conditions required*) and I (or we) the wife (or wives) of the said \_\_\_\_\_ do hereby bar my (or our dower) in the said lands.

As witness my (or our) hand and seal (*or hands and seals*) this \_\_\_\_\_ day of \_\_\_\_\_ 18

Signed, sealed and delivered in the presence of,

[L.S.]

SCHEDULE

## SCHEDULE B.

(Section 37.)

## CHIEF ENGINEER'S CERTIFICATE.

The Toronto, Lindsay and Pembroke Railway Company's Office,

No.

Engineer's Department.

A.D. 18

Certificate to be attached to cheques drawn on The Toronto, Lindsay and Pembroke Railway Company Municipal Trust Account given under section          chapter          of the Acts of the Legislature of Ontario, passed in the          year of Her Majesty's reign.

I, A. B., chief engineer of The Toronto, Lindsay and Pembroke Railway Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the By-law No.          of the township of          (or under the agreement dated the          day of          18          between the corporation of          and the said company) to entitle the said company to receive from the said trust the sum of          (here set out the terms and conditions, if any, which have been fulfilled.)

## CHAPTER 106.

## An Act to incorporate The Worthington and Onaping Railway Company.

*Assented to 1st April, 1899.*

**W**HEREAS Harry William Evenden, of the Island of Campe- Preamble.  
ment d'Ours, mining capitalist, John McKay, barrister-at-law, James Miller, mining capitalist, and William Howard Hearst, barrister-at-law, all of the District of Algoma, have by their petition prayed for an Act of incorporation under the name of "The Worthington and Onaping Railway Company" for the purpose of constructing, equipping and operating a railway from a point at or near Worthington Station on the Algoma branch of the Canadian Pacific Railway; thence northerly near Inez mine in the Township of Drury; thence northerly to the Sultana nickel mine in the Township of Trill; thence passing through the Townships of Cascaden, Dowling and Levack northerly and easterly a distance of about fifty miles, crossing the Canadian Pacific Railway at or near Onaping station; and it has been represented that the line of the railway of the company so to be incorporated will, for the most part, be constructed in the unorganized part of the Province; and it is proposed to operate the same by steam or electricity; and whereas, owing to the location of the line of the said railway, the provisions of *The Electric Railway Act* are not applicable to the company so to be incorporated, and the said petitioners have prayed that there may be conferred upon them the powers ordinarily given upon the incorporation of a railway to be operated by steam; and whereas for the reasons aforesaid the circumstances of the said proposed line

of railway are exceptional; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**Incorporation.** 1. Harry William Evenden, John McKay, James Miller and William Howard Hearst, together with such other persons and corporations as shall in pursuance of this Act become shareholders in the company hereby incorporated, shall be and are hereby constituted a body corporate and politic by and under the name of "The Worthington and Onaping Railway Company," hereinafter called "the Company."

**Head Office.** 2. The head office of the company shall be at the town of Sault Ste Marie in the District of Algoma, in the Province of Ontario.

**Location of line.**  
**Gauge.**

3. The company shall have full power and authority to lay out, construct, equip and operate by steam or electricity a railway of the gauge of four feet eight and one-half inches, from a point at or near Worthington Station, on the Algoma branch of the Canadian Pacific Railway; thence northerly near Inez mine in the Township of Drury; thence northerly to the Sultana nickel mine in the Township of Trill; thence northerly and easterly, passing through the Townships of Cascaden, Dowling and Levack, a distance of about 50 miles, crossing the main line of the Canadian Pacific Railway at or near Onaping station, with full power to pass over any portion of the country between the points aforesaid; and the said railway or any part thereof, so far as the same may be operated by electricity, may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to the restrictions and provisions therein and in this Act contained, and under and subject to any agreements between the company and the councils of any of the said corporations and between the company and the road companies (if any) interested in such highways; and the company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions and conditions contained in this Act, and in *The Municipal Act*.

**Rev. Stat.**  
**c. 223.**

**Authority to make surveys.**

4. The company is hereby authorized and empowered to take and make the surveys and levels of the land through which the said railway is to pass, together with the map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained and also the book of reference for the railway, and

to



to deposit the same as required by the clauses of *The Railway Act of Ontario*, and amendments thereto with respect to “plans and surveys” by sections or portions less than the length of the whole railway authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than three miles in length, and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the said Railway Act, and the amendments thereof applied to, included in, or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of said railway is to pass, together with the map or plan of the whole thereof, and of its whole course and direction and of the lands intended to be passed over, and taken, and the book of reference for the whole of said railway had been taken, made, examined, certified and deposited according to the said clauses of the said Railway Act, and the amendments thereof with respect to “plans and surveys.”

Rev. Stat.  
c. 207.

5. The company may receive from any government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway, by way of gift, bonus, or loan of money or debentures or other securities for money, or by way of guarantee upon such terms and conditions as may be agreed upon.

Authority to  
receive gifts.

6. The provisional directors or elected directors may pay or agree to pay in cash, or stock, or in the bonds of the said company such sums as they may deem expedient to engineers or contractors, or for right of way, or material, plant or rolling stock, and also, when sanctioned by a vote of the shareholders at any general meeting for the services of the promoters or for persons who may be employed by the directors in furthering the undertaking or for the purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company.

Payments in  
stock or bonds.

7. Any municipality through which the said railway may pass, or is situate, is empowered to grant by way of gift to the company any lands belonging to such municipality or over which it may have control which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway; and the company shall have power to accept gifts of land from any government, or any person or body corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the company.

Gifts of land  
to company.

Stone, gravel,  
etc.

8. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause an Ontario land surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and tender of the compensation, shall have the same effect as in the case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario* and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into Court, the right to sell, the right to convey and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section, as to the obtaining of materials as aforesaid; and such proceedings may be had by the said company either for the right to the fee simple in the land from which the said materials shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Rev. Stat.  
c. 207.

Sidings.

9.—(1) When said gravel, stone, earth or sand shall be taken under the preceding section of this Act at a distance from the line of railway, the company may lay down the necessary sidings and tracks over any land which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be, and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publication of notice shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated, and such right may be so acquired for a term of years or permanently, as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purposes of repairing or maintaining the said railway.

Rev. Stat.  
c. 207.

(2) When estimating the damages for the taking of gravel, sand, stone or earth, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply.

Purchasing  
whole lots.

10. Whenever it shall be necessary for the purposes of procuring sufficient lands for stations, or gravel pits, or for constructing, maintaining and using said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, use, hold and enjoy such lands and also the right of way thereto if the same be separated from their railway, and sell and convey the same or any part thereof from time to time as they

they may deem expedient, but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

**11.** The persons named in section 1 of this Act, with power to add to their number, shall be, and are hereby constituted a board of provisional directors of the company, of whom a majority shall be a quorum, and shall hold office as such until the first election of directors under this Act. Provisional directors.

**12.** The said board of provisional directors shall have power forthwith to open stock-books and procure subscriptions of stock for the undertaking, and to allot the stock, and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect of their stock, and to sue for and recover the same; and to cause plans and surveys to be made, and to receive for the company any grant, loan, bonus or gift made to it or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as under *The Railway Act of Ontario* are vested in ordinary directors. The said directors, or a majority of them, or the board of directors to be elected as hereinafter mentioned, may, in their discretion, exclude anyone from subscribing for stock, who, in their judgment, would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors, or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the Town of Sault Ste. Marie, or at such other place as may best suit the interest of the said company. Stock books.  
Rev. Stat.,  
c. 207.

**13.** The capital stock of the company hereby incorporated shall be \$300,000 (with power to increase the same in the manner provided by *The Railway Act of Ontario*) to be divided into 3,000 shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in such company; and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway, and to the other purposes of this Act. Capital stock.



First general meeting.

**14.** When, and as soon as shares to the amount of \$30,000 in the capital stock of the company shall have been subscribed, and ten per centum paid thereon, into some chartered bank of the Dominion having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the provisional directors, of a majority of them present, at a meeting duly called for the purpose, shall call a general meeting of the shareholders for the purpose of electing directors of the said company, giving at least four weeks' notice by advertisement in the *Ontario Gazette*, and in one or more newspapers, published in the said Town of Sault Ste. Marie of the time, place and purpose of said meeting.

Number of directors and quorum.

**15.** At such general meeting the shareholders present either in person or by proxy, who shall at the opening of such meeting have paid up ten per centum on the stock subscribed by them, shall elect not less than five and not more than nine persons to be directors of the company in manner and qualified as hereinafter mentioned, who shall constitute a board of directors and shall hold office until the next general annual meeting, and a majority of the directors shall form a quorum of the board, and may pass such rules, regulations and by-laws as may be deemed expedient and are not inconsistent with this Act and *The Railway Act of Ontario*; and the said board may employ and pay one of their number as managing director.

Rev. Stat., c. 207.

Qualification.

**16.** No person shall be qualified to be elected as such director by the shareholders unless he is a shareholder holding at least ten shares of stock in the said company, and unless he has paid up all calls thereon.

General meetings.

**17.** Thereafter the general annual meeting of the shareholders of the company shall be held in such place in the said Town of Sault Ste. Marie, or in such other place, and on such days, and at such hours as may be directed by the by-laws of the company; and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in one newspaper published in the said Town of Sault Ste. Marie during the four weeks immediately preceding the week in which such meeting is to be held.

Special meetings.

**18.** Special general meetings of the shareholders of the company may be held at such places, and at such times, and in such manner and for such purposes, as may be provided by the by-laws of the company, and upon such notice as is provided in the last preceding section.

Calls.

**19.** The directors may, from time to time, make calls as they may think fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed

by



by each shareholder, and thirty days notice shall be given of each call as provided in section 17 of this Act.

**20.** Aliens and companies incorporated abroad, as well as Aliens. British subjects and corporations, may be shareholders in the company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the company.

**21.** The directors of the company shall have power to issue Issue of bonds. bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of \$13,000 for each mile of the said railway, and the provisions of sub-sections 19, 20, 21, 22 and 23 of section 9 of *The Railway Act of Ontario* shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to, and in conformity with the provisions of the said sub-sections. Rev. Stat. c. 207.

**22.** The company hereby incorporated may from time Pledge bonds. to time for advances of money to be made thereon, mortgage or pledge any bonds, which they may be enabled under the powers of this Act, to issue for the construction of the railway.

**23.** Shares in the capital stock of the company may Transfer of stock. be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

**24.** The company shall have power and authority to Negotiable instruments. become parties to promissory notes and bills of exchange, for sums not less than \$100, and any such promissory note or bill of exchange made, accepted, or indorsed by the president or vice-president of the company, and countersigned by the secretary of the company, and under the authority of a quorum of the directors, shall be binding on the company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown; and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the president, vice-president or the secretary be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided however that nothing in this section shall be construed to authorize the company to issue any note or bill of exchange payable to bearer or intended to be circulated as money or as the notes or bills of a bank.

**25.**

Incidental  
powers,  
Warehouses,  
docks, etc.

## 25. The company shall have power and authority :

(1) To purchase land for and erect power houses, warehouses, elevators, docks, stations, workshops, machine shops, furnaces and offices and to sell and convey such land as may be found superfluous for any such purpose, and the company shall have power to build, own, operate and hold as part of the property of the said company as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railway ;

Erect neces-  
sary buildings,  
wharves, etc.

(2) To erect and maintain all necessary and convenient buildings, stations, depots, wharves and fixtures, and from time to time to alter, repair or enlarge the same, and to build, purchase and acquire motors, engines, carriages, waggons and other machinery and contrivances necessary or convenient for the working of the railway and the accommodation and use of the passengers, freight and business of the railway ;

Powers as to  
production  
and use of  
electricity.

(3) To construct, maintain and operate works for the production of electricity for the motive power of the said railways, and for the lighting and heating the rolling stock and other property of the company ;

Lease or sell  
electricity not  
required for  
railway.

(4) To sell or lease any such electricity not required for the purposes aforesaid to any person or corporation, and the company in that behalf shall, subject to the provisions and restrictions of this Act, possess the powers, rights and privileges, and be subject to all the obligations and restrictions of joint stock companies incorporated under *The Act respecting Companies for supplying Steam, Heat, Electricity or Natural Gas for Heat, Light or Power*, and to acquire and hold any property necessary for the purposes mentioned in this sub-section ;

Rev. Stat c.  
200.

Acquiring  
rights for con-  
veying elec-  
tricity.

(5) To purchase the right to convey electricity required for the working of the railway and lighting or heating the same over, through or under lands other than the lands of the said railway, and with the consent of the councils of the municipalities affected, to purchase the right to lay conduits under, or erect poles and wires on or over such lands as may be determined by the company, and along and upon any of the public highways, or across any of the waters in this Province by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the cords or wires of such lines, or the conduits for such electricity, upon and subject to such agreement in respect thereof as shall first be made between the company and any private owners of the land affected, and between the company and any municipality in which such works or any part thereof or of the railway may be situate, and under and subject to any by-law or by-laws of the council of such municipality passed in pursuance thereof.

Construction  
on streets, etc.

26.—(1) The railway of the company shall not be constructed or operated on, upon or along any street highway or public place of any municipality until first authorized by  
an

an agreement in respect thereto made between the company and such municipality, and under and subject to the terms of such agreement and of this Act and of any by-law or by-laws of the council of said municipality to be passed in pursuance thereof; and in all such cases any and every work, matter or thing in connection with electricity or other motive power, and the application and using thereof in so constructing, operating and working such railway, or the cars, carriages, engines, motors or machines aforesaid shall be so constructed, erected, laid down and arranged as to impede or incommode the public use of such street; highway or public place as little as possible, and so as not to be a nuisance thereto, nor to interfere with the free access to any house or other building erected in the vicinity of the same, and the electric and other appliances shall be of such an improved manufacture and so placed as to avoid so far as possible any danger to buildings or other property, and provided that none of the works or property of the company shall be so constructed or placed as to injuriously interrupt navigation in any navigable water.

(2) The by-laws mentioned in section 3, subsection 5 of the preceding section and in this section shall be subject to the conditions and provisions of section 632 of *The Municipal Act*. Rev. Stat. c. 223.

**27.** The company is authorized and empowered to make necessary arrangements to contract and agree with the Canadian Pacific Railway Company, the Grand Trunk Railway Company of Canada, and the Manitoulin and North Shore Railway Company or either of them if lawfully authorized to enter into such arrangements for amalgamation with any or either of them, provided that the terms of such amalgamation are approved of by two-thirds in value of the shareholders, voting either in person or represented by proxy at a special general meeting to be called for that purpose in accordance with this Act. Amalgamation with other companies.

**28.** The company shall have power to agree for connections and making running arrangements with the Canadian Pacific Railway Company, the Grand Trunk Railway Company of Canada and the Manitoulin and North Shore Railway Company or either of them if lawfully empowered to enter into such agreements upon terms to be approved by two-thirds in value of the shareholders at a special general meeting to be held for that purpose, and it shall also be lawful for the said company to enter into an agreement with any of the said railway companies, if lawfully authorized to enter into such an agreement, for the sale or leasing or hiring of the whole or any portion of the railway herein authorized or the use thereof or for the sale or leasing or hiring any locomotives, tenders, plant or rolling stock or other property of either or of any part thereof or touching any service to be rendered by the one company to the Arrangements with other companies.



the other and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing or entering into such an agreement for using the said railway, may and are hereby authorized to work the said railway and in the same manner as if incorporated with their own line; but nothing in this or the preceding section shall be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

Telegraph  
and telephone  
lines.

**29.** The company may also construct an electric telegraph line and a telephone line throughout and along the whole line of their railway or any part of the said railway, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies* being chapter 192 of the Revised Statutes of Ontario, 1897, are hereby conferred upon the company; provided that no poles shall be erected in the construction of either of the said lines in or through any city, town or incorporated village without the consent of the council of such city, town or village being first obtained by the said company; and the company may undertake the transmission of messages for the public by such line or lines of telegraph or telephone and collect tolls for so doing.

Snow fences.

**30.** The company shall have the right on and after the first day of November in each year to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever, lying along the route or line of the said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may thereafter be established in the manner provided by law in respect of such railway, to have been actually suffered; provided always that any such snow fences so erected shall be removed on or before the first day of April following.

Form of conveyances.

**31.** Conveyances of land to the company for the purposes of and powers given by this Act, made in the form set forth in Schedule "A," hereunder written, or to the like effect, shall be sufficient conveyance to the company, their successors and assigns of the estate or interest therein mentioned, and sufficient bar of dower respectively, of all persons executing the same: and such conveyances shall be registered in such manner and upon such proof of execution as is required under the Registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering



the same, including all entries and certificates thereof and certificates endorsed on the duplicates thereof.

**32.** The provisions of *The Electric Railway Act* shall not apply to the company hereby incorporated but the several clauses of *The Railway Act of Ontario* and of every Act in amendment thereof, shall be incorporated with, and be deemed to be part of this Act, and shall apply to the company and the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act" when used herein shall be understood to include the clauses of the said Railway Act, and of every Act in amendment thereof so incorporated with this Act.

Incorporation  
of Rev. Stat.  
c. 207.

**33.** The said railway shall be commenced within three years and completed within five years after the passing of this Act, and in default thereof the powers hereby conferred shall absolutely cease with respect to so much of the railway as then remains incomplete.

Commence-  
ment and  
completion.

## SCHEDULE A.

(Section 31.)

Know all men by these presents that I (or we) (insert the name or names of vendor or vendors) in consideration of      dollars paid to me (or us) by the Worthington and Onaping Railway Company, the receipt whereof is hereby acknowledged, do grant any convey unto the said Company, and I (or we) (insert the name or names of any other party or parties) in consideration of      dollars, paid to me (or us) by the said Company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels as the case may be) of land, (describe the land) the same having been selected and laid out by the said Company for the purposes of their railway to hold, with the appurtenances unto the said The Worthington and Onaping Railway Company, their successors and assigns forever (here insert any other clauses, conditions and covenants required) and I (or we) the wife (or wives) of the said      do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals), this  
day of      1      .

Signed, sealed and delivered in the presence of

[L.S.]

## CHAPTER 107.

## An Act respecting the Brantford Gas Company.

*Assented to 1st April, 1899.*

## Preamble.

**W**HEREAS on the thirteenth day of March, 1854, The Brantford Gas Company was incorporated under the provisions of the Act passed in the sixteenth year of the reign of Queen Victoria, chapter 173 entitled *An Act to provide for the formation of incorporated Joint Stock Companies for supplying Cities, Towns and Villages with Gas and Water*, with a capital stock of six thousand pounds, divided into one thousand two hundred shares of five pounds each, for a period of fifty years from the said date; and whereas the said company has by petition represented that the capital stock of the said company has from time to time been increased, and now stands at the sum of \$36,400 ordinary, and \$23,000 preferred stock; and whereas the said company is desirous of increasing the capital stock and further extending the powers of the said company as hereinafter mentioned; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

## Declaration of incorporation.

**1.** The said The Brantford Gas Company is hereby declared to be a body politic and corporate, having in perpetuity all the powers, rights, privileges and authorities conferred upon companies incorporated under chapter 199 of the Revised Statutes of Ontario, or which may hereafter be conferred by any amendment to said Act.

2. The capital stock of the said company shall be and the same is hereby increased to the sum of \$200,000, to be issued or allotted in such manner, so far as the increased capital is concerned, as the directors may by by-law determine.

Capital stock increased.

3. The directors of the said company, after the sanction of the shareholders shall have been first obtained at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds or debenture stock for the purpose of improvements or extensions to the works of the said company, or for other purposes of the said company, and such bonds and scrip for debenture stock shall be made and signed by the president or vice-president of the said company, and countersigned by the secretary and treasurer, and under the seal of the said company, and shall, without registration or formal conveyance be taken and considered to be first and preferential claims and charges upon the real and personal property of the said company then existing and at any time thereafter acquired, and upon the franchises of the said company, and each holder of the said bonds or debenture stock shall be deemed to be a mortgagee and encumbrancer pro rata with all other holders thereof upon the undertaking and real and personal property of the company as aforesaid. Provided, however, that the issue of bonds and debenture stock shall not exceed in all \$200,000; and provided that in the event at any time of the interest upon said bonds or debenture stock remaining unpaid and owing, then at the next ensuing general annual meeting of the company all holders of bonds and debenture stock shall have and possess the same rights and privileges and qualifications for directors and for voting as are attached to shareholders. But in such case the bonds and debenture stock shall first be registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required so to do by any holder thereof, and that notwithstanding any such bonds may have been already registered by a former holder thereof.

Authority to issue debentures.

4. Any such bonds or coupons thereof may be made payable to bearer, and transferable by delivery, and any holder of any such securities so made payable to bearer may sue at law thereon in his own name. Such bonds and debenture stock are hereby declared to be personal property.

Form of debentures.

5. The said company hereby incorporated may from time to time for advances of money to be made thereon, mortgage or pledge any bonds or debenture stock which they can, under the powers of this Act, issue, for the purposes aforesaid.

Pledge bonds.

6. Any debenture stock authorized under this Act which from time to time shall be created shall be entered by the company in a register to be kept for that purpose, at the head office

Registration of stock.

office, wherein they shall enter the names and addresses of the several persons or corporations from time to time entitled to such debenture stock, with the respective amounts of the stock to which they are respectively entitled.

Issue of  
certificates.

7. The said company shall deliver to every holder a certificate stating the amount of the debenture stock held by him, and of the regulations and provisions for the time being applicable to certificates of ordinary shares of the capital stock of the said company, and the transfers of such shares shall apply mutatis mutandis to certificates and transfers of the debenture stock. Provided, that the company shall not be bound to accept any such transfer, nor shall any such transfer be effectual unless and until the scrip or certificate before issued for the debenture stock proposed to be transferred be delivered up to be cancelled, or such delivery and cancellation dispensed with by the company and a new certificate or certificates issued in lieu thereof.

Transfer of  
stock.

8. The said debenture stock shall not be transferable in amounts less than five hundred dollars, and no transfer shall include any fractional part of one hundred dollars.

Power to  
acquire elec-  
tric light  
plants.

9. The said company shall have power to purchase the franchise, property, business and assets of any company furnishing electric light or power within the City of Brantford, now incorporated or which shall or may hereafter be incorporated, for such price as may be agreed upon between the said companies, and may issue or allot in payment of the purchase money therefor partly or fully paid-up shares in the said The Brantford Gas Company, at par or at such rate of discount or premium as may be agreed upon, or may issue debenture or preference stock or bonds for such amounts and at such rates of interest as may be agreed upon; and it shall and may be lawful for any such company to sell and convey to the said The Brantford Gas Company the franchise, property, business and assets, and to accept in payment therefor the shares of debenture or preference stock or bonds hereinbefore mentioned.

Power to  
amalgamate.

10. The said The Brantford Gas Company may enter into all contracts and agreements necessary to such union and amalgamation.

Terms of  
agreement.

11. The directors of the said companies may enter into an agreement under the respective corporate seals of the said companies, for the amalgamation and consolidation thereof, describing the terms and conditions thereof, and the mode of carrying the same into effect, the name of the new corporation, the number of directors and the other officers thereof, and who shall be the first directors and officers thereof and their places of residence, and the number of shares of the capital stock, the amount of the par value of each share, and the manner of  
converting



converting the capital stock of each of the said companies into that of the new corporation, and how and when and for how long the directors and other officers of such new corporation shall be elected, and when the election shall be held, and such other details as they may deem necessary to perfect such new organization and the consolidation and amalgamation of the said companies, and the after management and working thereof. Such agreement shall be submitted to the shareholders of each of the said companies at a meeting thereof to be held separately for the purpose of taking the same into consideration, and notice of the time and place of such meetings and the objects thereof shall be given by written or printed notice to be addressed to each of the shareholders of the said companies respectively at the last known post office or place of residence of such shareholder, and also by a general notice to be published in the "Brantford Expositor" newspaper, published in Brantford, once a week for two successive weeks. At such meetings of shareholders the proposed agreement shall be considered, and a vote by ballot taken for the adoption or rejection of the same, and each share shall entitle the holder thereof to cast one vote, and the said ballot may be cast in person or by proxy.

12. If two-thirds of the votes of all the shareholders of the said companies respectively are in favour of the adoption of the agreement, then that fact shall be certified upon the agreement by the secretary of each company under the corporate seals thereof, and if an agreement is so adopted at the respective meetings of the shareholders of each of the said companies, the agreement so adopted, and the said certificate shall be filed in the office of the Provincial Secretary, and the said agreement shall thenceforth be deemed to be the agreement and act of consolidation and amalgamation of the respective companies, and a copy of such agreement so filed and of the certificates thereon, certified by the Provincial Secretary shall be evidence of the existence of the new Corporation or Corporations.

Certificate of  
secretary and  
filing of same.

13. Upon the making and perfecting of the agreement and act of consolidation as heretofore provided, and the filing of the agreement as provided, the said company shall be deemed and taken to be consolidated and to form one corporation, with the name in the agreement provided, with a common seal, and shall possess all the rights, privileges, franchises, and subject to the liabilities and debts of each of the said companies, except as herein otherwise provided.

When amalga  
mation shall  
take place.

14. Upon the consummation of the said act of consolidation as aforesaid, all and singular the business, property, real, personal and mixed, and all the rights and interests appurtenant thereto, all stock, mortgages and other securities, subscriptions or other debts due on whatever account, and other

Property to  
vest in new  
corporation

other things in action belonging to the said two companies and each of them shall be deemed to be taken and transferred to and vested in such new corporation without further act or deed.

Rights of  
action pre-  
served.

**15.** All rights of creditors and liens upon the property of any of said companies shall not be impaired by such consolidation, and all debts, liabilities and duties of each of said companies shall thenceforth attach to the new company, and may be enforced against it to the same extent as if the said debts, liabilities and duties had been contracted or incurred by it.

Rights of  
stockholders  
preserved.

**16.** No action or proceeding by or against the said companies or any of them shall abate or be affected by such consolidation, but for all purposes of such action or proceeding the said companies or either of them may be deemed to continue to exist, or the new corporation may be substituted in such action or proceeding in place thereof.

Rights of  
stockholders  
preserved.

**17.** Nothing herein contained shall affect the rights of holders of the \$23,000 preferred stock in the said company, in respect to the said stock or the dividends payable thereunder.

Mayor to be  
ex-officio a  
director.

**18.** The mayor of the said Corporation of the city of Brantford shall be *ex-officio* a director of the said company so long as the said corporation holds at least ten thousand dollars of ordinary stock in said company.

Rev. Stat. c.  
199, secs. 59  
to 67 inclusive  
to apply to  
company.  
Proviso.

**19.** Sections 59 to 64 inclusive, and sections 66 and 67 of Chapter 199 of the Revised Statutes of Ontario, 1897, shall apply to the said company in the same manner and to the same extent as if the said company had been incorporated after the 10th day of March, 1882, provided that in determining the amount to be paid under the said sections nothing shall be allowed for the value of any right, privilege or franchise to use the streets, squares and public places of the said city.

Company not  
entitled to  
benefits of  
secs. 9 to 16  
supra until  
consent of  
municipality  
obtained.

**20.** The said company shall not be entitled to the benefits of sections 9 to 16 inclusive of this Act, until it has obtained the consent of the municipal corporation of the said city, such consent to be by by-law and to be upon such terms and conditions as the by-law may provide. "

## CHAPTER 108.

## An Act to incorporate The Ontario Historical Society.

*Assented to 1st April, 1899.*

WHEREAS "The Ontario Historical Society" has by its Preamble.  
petition represented that a society under the name of  
"The Pioneer and Historical Association of the Province of  
Ontario," Canada, was organized at Toronto on the 4th day of  
September, 1888, and the same was maintained under the said  
name until the 23rd day of May, 1898, when it was re-organ-  
ized under the name of "The Ontario Historical Society" with  
a wider basis of membership; that the said society has been  
maintained since the last mentioned date, and that the objects  
of the said society are :—

(1) To unite the various pioneer and historical societies of  
the Province in one central head or organization, thereby the  
better to promote intercourse and co-operation on the part of  
all such societies, to form new societies and to promote and  
extend the influence and benefits thereof.

(2) Also to engage in the collection, preservation, exhibition  
and publication of materials for the study of history, espec-  
ially the history of Ontario and Canada; to this end studying  
the archæology of the Province, acquiring documents and manu-  
scripts, obtaining narratives and records of pioneers, conduct-  
ing a library of historical reference, maintaining a gallery of  
historical portraiture and an ethnological and historical mu-  
seum, publishing and otherwise diffusing information relative  
to the history of the Province and of the Dominion, and in  
general encouraging and developing within this Province the  
study of history; and whereas the said petitioner has prayed

that



that for the better attainment of the said objects, the said society may be incorporated by Act of the Legislature of Ontario; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**Incorporation.** 1. The Honorable Geo. W. Ross, L.L.D., Minister of Education, honorary president; James H. Coyne, B.A., president; D. B. Read, Q.C., and John Ojiatekha Brant-Sero, vice-presidents; David Boyle, secretary; B. E. Charlton, treasurer; the following members: The Reverend Henry Scadding, D.D. The Reverend Geo. A. Bull, M.A.; C. C. James, M.A.; Alfred Willson, Mary A. FitzGibbon, Janet Carnochan, The Reverend P. L. Spencer, M.A.; The Honourable James Young, Douglas Brymner, LL.D., F.R.S.C.: John Henderson, M.A.; W. J. Robertson, M.A.; Jas. G. Currie, Q.C.; Very Rev. W. R. Harris, D.D.; Ernest Cruickshank, Geo. H. Mills, Geo. R. Pattullo, H. H. Dewart, M.A.; Wm. H. Doel, J.P.; His Honor Judge C. O. Ermatinger, R. E. Kingsford, M.A.; Frances B. Brant-Sero, Clementina Fessenden, The Reverend W. S. Blackstock, D.D.; Alfred Ball, Adam Shortt, M.A.; The Reverend Geo. D. Ferguson, B.A.; D. H. Price, Wm. Rennie, John H. Thompson, Sara Calder, Jas. C. Hamilton, M.A., LL.B.; R. G. Baxter, Geo. Allison, Chas. Durand, Nellie E. Manning, Lucy M. Ellerby, J. B. Mackenzie, Frank Yeigh, Jas. W. Tupper, B.A.; M. MacLean Helliwell, The Reverend A. R. Bain, M.A., LL.D.; A. S. Vogt; Edward S. Caswell, The Reverend George M. Wrong, M.A.; A. F. Rutter, E. J. Hathaway, Angus MacMurchy, M.A.; A. E. Lang, M.A.; John D. Servos, The Reverend Oswald Rigby, M.A.; Geo. N. Morang, Bernard McEvoy, Geo. A. Howell, Andrew Pattullo, M.P.P.; Willis Chipman, Thomas Southworth, W. A. McLean, Geo. W. Wells, Anna Matilda Coyne, Cecil F. Lavell, B.A.; R. W. Sawtell, Edgar L. James, Francis R. Ball, The Reverend A. H. Newman, D.D., LL.D.; R. W. Sawtell, Wm. Munro, The Reverend W. A. McKay, B.A., D.D.; together with such other persons as now are or may hereafter become members of the society to be hereby incorporated under the provisions of this Act and the by-laws made under the authority thereof, and their successors shall be and are hereby constituted a body politic and corporate, by the name of "The Ontario Historical Society," hereinafter called "The Society," and may, by any legal title, acquire, hold and enjoy, for the use of the society, any property whatever, real or personal, and may alienate, sell and dispose of the same or any part thereof, from time to time, and as occasion may require, and other property real or personal, may acquire instead thereof; provided always that the annual value of the real estate held at any one time for the actual use of the society shall not exceed four thousand dollars

**Proviso.**



2. The society shall not hold any property except as aforesaid, and such as shall be derived from the following sources, that is to say, the life, annual and other subscriptions of members, donations, bequests or legacies made to the society and such other moneys or property as may be acquired by and from the ordinary transactions of the society, or may now belong to the existing society, and the moneys arising from fines and forfeitures lawfully imposed by their by-laws; provided always that the society shall sell and convey any real estate acquired by them under the provision of this section, within ten years after they shall have acquired the same, unless the same be required for the actual use of the society under the provisions of the next preceding section. Property of society.

3. The affairs and business of the society shall be managed by such officers and committees, and under such restrictions, touching the powers and duties of such officers and committees, as by by-law in that behalf the society may from time to time ordain; and the society may assign to any of such officers such remuneration as they deem requisite. Management of affairs of society.

4. The society may make such by-laws, not contrary to law, as they shall deem expedient for the administration and government of the society, and may repeal, amend or re-enact the same from time to time, observing always, however, such formalities as by such by-laws, or by the by-laws now in force, may be prescribed to that end, and generally shall have all the corporate powers necessary for the purposes of this Act. By-laws.

5. The present by-laws of the existing society, not being contrary to law, shall be the by-laws of the society hereby constituted, until they shall be repealed or altered as aforesaid. Present by laws continued.

6. Until others shall be elected according to the by-laws of the society, the present officers of the existing society shall be those of the society. Present officers continued.

7. All subscriptions and penalties due to the society under any by-law may be recovered by suit in the name of the society; but any member may withdraw therefrom at any time, on payment of all amounts due by him to the society, inclusive of his subscription for the year then current, and shall, upon such withdrawal and payment of amounts due, cease to be a member of the society. Recovery of subscriptions and penalties.

8. The society shall make annual reports to the Lieutenant-Governor and the Legislature of Ontario, containing a general statement of the affairs of the society, which said reports shall be presented within the first twenty days of every session of the Legislature. Annual report.

Local affiliated societies.

**9.** Any historical or pioneer society now affiliated with the said society may become incorporated, with all the powers and privileges of said society, by passing a resolution to that effect, stating the proposed corporate name, and forwarding a copy of such resolution under the hands of its president and secretary to the Education Department and to the secretary of said society.

Incorporation of societies hereafter affiliated.

**10.** Any historical or pioneer society hereafter becoming affiliated with the said society under the constitution and by-laws of the latter in that behalf, shall thereby become incorporated by the name under which it shall have become affiliated, and with all the powers and privileges conferred by this Act upon The Ontario Historical Society.

Publications, etc., of local societies to be sent to O.H.S.

**11.** Each society so affiliated shall send copies of all its publications to The Ontario Historical Society, from time to time as issued, and shall also make an annual report to the said society containing full information as to the officers, number of members, and work done during the year; and section 8 of this Act shall not apply to any such society, unless so directed from time to time by the Legislature or the Education Department.

Property of local societies ceasing to exist to be vested in O.H.S.

**12.** In the event of any such affiliated society ceasing to exist, its library, museum and other property, if any, shall immediately become vested in the Ontario Historical Society, which may by its officers in that behalf take possession of the same, and retain the same until a society with objects similar to those of such former society shall have been formed, in the same municipality, when the same shall be handed over to such new society upon such conditions and provisions for the security of the same as may be agreed upon.

Property of O.H.S. to vest in Crown if society ceases to exist.

**13.** In the event of The Ontario Historical Society ceasing to exist, its library, museum and other property, if any, shall forthwith become vested in Her Majesty, for the uses of the Province of Ontario, and the Minister of Education may make such rules and regulations as to the custody and care of the same as may be deemed expedient.

## CHAPTER 109.

## An Act to amalgamate The Toronto General Trusts Company and The Trusts Corporation of Ontario.

*Assented to 1st April, 1899.*

**W**HEREAS the Toronto General Trusts Company and the Trusts Corporation of Ontario have by their petition prayed for an Act to authorize and confirm a deed of agreement between the said Companies and to unite the said Companies under the name of The Toronto General Trusts Corporation; and whereas the consent of the respective shareholders of the said Companies has been given in confirmation and ratification of the said Agreement and the terms thereof; and whereas the committee charged with the superintendence of court funds have assented to the said amalgamation; and whereas no cestui que trust or person interested as a creditor has offered any opposition to the said petition; and whereas it is expedient to grant the prayer of the said petition;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said two Companies are hereby amalgamated and united and declared to be a body corporate and politic under the name of "The Toronto General Trusts Corporation."

Companies amalgamated.

2. The Deed of Agreement between the two Companies bearing date the 29th day of December, 1898, and ratified by the Shareholders of both Companies on the 30th December, 1898, and set out in Schedule A to this Act is hereby author-

Agreement confirmed.

ized,

ized, ratified and confirmed, and the union thereby effected and all the terms thereof are hereby declared to be lawful, vald and operative to the same extent and in the same manner as if the several clauses of the said Deed of Agreement were set out and enacted as part of this Act, from and after the first day of April, 1899, if this Act shall have received the assent of the Lieutenant-Governor on or before that date and if not then upon the first day of the month commencing next after the date of such assent.

**Directors.**

3. The directors named in Article 11 of the Agreement Schedule A hereto, who shall be living at the time this Act shall come into force shall be the first directors of the amalgamated company.

**Reserve fund.**

4. Until the reserve fund of the said company is made up to \$750,000, no larger dividend shall be declared or paid by the company to the shareholders thereof than at the rate of seven and one-half per cent. per annum, being at the rate of six per cent. on the capital and the twenty-five per cent. reserve, and all profits over and above dividends at the said rate, and any sums which may be charged to contingent or suspense account shall be carried to the reserve fund of the company until that fund is made up to the said sum of \$750,000.

**Voting power.**

5. No shareholder of the said company shall vote on more than one hundred shares either by himself or by proxy, and no shareholder shall on his own shares or on any shares which he holds as trustee, executor, or administrator, vote on more than two hundred shares; and no shareholder shall transfer any shares to any person to hold as trustee for him so as to increase his voting power, and any shares so transferred shall be counted for the purpose of any scrutiny of votes as if such shares were in the name of the true owner; but any shareholder may cast the votes that any other person is entitled to by proxy duly executed before one witness and deposited with the manager at least two days before any meeting of shareholders.

---

## SCHEDULE A.

This Indenture made in triplicate this 29th day of December, 1898, between The Toronto General Trusts Company, hereinafter called the Toronto Company of the first part, and The Trusts Corporation of Ontario, hereinafter called the Ontario Company of the second part.

Whereas the parties hereto are corporations incorporated as to the Toronto Company by an Act of the Legislature of the Province of Ontario, and as to the Ontario Company by letters patent under the great seal of the said



province, and are carrying on business in the said province with their respective headquarters in the City of Toronto as trust companies ;

And whereas the respective boards of directors of both the said parties have agreed that the amalgamation of the said corporations is in the best interest of both and a report of a joint committee of the respective boards of directors of the said parties containing the proposed terms upon which such amalgamation should take place has been ratified and adopted by the respective boards of directors of both the said parties;

And whereas a meeting of the respective shareholders of the parties of the first and second part has been called for the purpose of taking into consideration the question of the union of the said two companies upon the terms and conditions set forth in the report of the joint committee adopted by the directors as aforesaid and more fully set forth herein, which meetings are to be held on the 30th day of December, instant, at twelve o'clock noon ;

And whereas it is necessary that the union of the said Companies and the terms of this deed should be authorized, ratified and confirmed by the Legislature of the said Province ;

And whereas it is expedient that the said amalgamation should take place ;

Now therefore this indenture witnesseth that the said two companies parties hereto and their respective boards of directors do hereby agree each with the other as follows, that is to say :—

#### ARTICLE 1.

Upon the adoption of this agreement by the respective shareholders of the said parties hereto in the method herein provided and the authorization and ratification hereof by the passing of an Act in that behalf by the Legislature of the Province of Ontario this deed shall come into effect and the parties hereto namely The Toronto General Trusts Company and The Trusts Corporation of Ontario shall become united, amalgamated and consolidated, and shall form one corporation under the name of "The Toronto General Trusts Corporation," which Company shall have a common seal and shall possess all rights, privileges and franchises of each of the said two companies, and the words "the Company" in succeeding articles shall mean the united or amalgamated corporation.

#### ARTICLE 2.

All and singular the business property, real and personal, and all rights and incidents appurtenant thereto, all stock, mortgages and other securities, and all other debts and obligations due on whatever account, and all choses in action of every description belonging to the said two companies, the parties hereto, or either of them, shall become vested in and they are hereby granted, assigned, transferred and set over to the Company subject, however, to all liens, if any, upon the property of either of the parties hereto, and to the respective debts, liabilities and duties of the said parties respectively.

#### ARTICLE 3.

All trusts of every description whether complete or inchoate and all and every duty assumed by either of the said parties are hereby transferred to and vested in the Company as fully and effectually as if the Company had been originally named as trustee, executor, administrator, assignee, guardian, committee, liquidator or agent in the deed or instrument of creation or judgment or order of any court, and any trust or duty now vested in either of the said parties hereto is hereby transferred to and vested in the Company.

#### ARTICLE 4.

Whenever in any will or any other testamentary document, or in any deed, mortgage, indenture or instrument of appointment or in any other way

way any estate, moneys or other property is intended at the time or times of the publishing, making or signing any such document thereafter to be vested in, administered or managed by, or put in the charge as guardian or otherwise of either of the parties hereto, the name of the Company shall be considered as substituted for either or both of the said parties, and such will, testamentary disposition, deed, mortgage, indenture, or instrument of appointment or other document shall vest the subject matter therein described in the Company according to the tenor of and at the time indicated or intended by any such will, testamentary document, deed, mortgage, indenture or instrument of appointment or other document the intention being that the Company shall not be considered for the purposes aforesaid as a new corporation but shall be taken to be a continuation of the corporate existence of both the parties hereto and standing as to all such matters in the place and stead of either or both the said parties.

ARTICLE 5.

The capital stock of the Company shall be \$1,000,000 divided into 10,000 shares of \$100 each.

ARTICLE 6.

The financial basis of union shall be as follows the figures given being those agreed upon by the said joint committee:—

The paid up capital and surplus funds of the Toronto Company has been ascertained and fixed at the sum of.....\$550,000 which is to be disposed of as follows :—

There is to be set apart as a contingent fund to meet all shrinkage in values and losses as estimated the sum of.....	\$140,000	
There is to be set apart and carried to the reserve fund of the Company the sum of.....	82,000	
and the residue is to be the net sum for which stock in the Company is to be issued to the shareholders of the Toronto Company, namely .....	328,000	550,000
The paid up capital and surplus funds of the Ontario Company has been ascertained and fixed at the sum of .....		\$228,000
which is to be disposed of as follows :—		
There is to be set apart as a contingent fund to meet all shrinkage and losses as estimated the sum of.....	\$ 23,000	
There is to be set apart and carried to the reserve fund of the company the sum of.....	41,000	
and the residue is to be the net sum for which stock in the Company is to be issued to the shareholders of the Ontario Company, namely .....	164,000	228,000

These figures are ascertained and fixed as of the 30th day of November 1898, and do not include profits earned as to the Toronto Company from the 31st day of March 1898, and as to the Ontario Company from the 31st December, 1897, and out of the net profits of both Companies the usual dividends are to be deducted and the surplus of all net profits over such dividends shall be the profits of the Company.

## ARTICLE 7.

The capital of the Company and its reserve fund is to be made up as follows :—

Surplus to shareholders in the Toronto Company as ascertained by the joint committee after deducting contingent fund.....	\$410,000
Surplus to the shareholders in the Ontario Com- pany as ascertained by the joint committee after deducting contingent fund.....	205,000
Five thousand and eighty new shares to be allot- ted and issued at a premium of 25 per cent. and to be called up in full.....	635,000
	<hr/>
	\$1,250,000
Paid up capital.....	\$1,000,000
Reserve :—	
Paid by Toronto Company.....	82,000
Paid by Ontario Company.....	41,000
Paid by premium on new stock .....	127,000
	<hr/>
	\$1,250,000

## ARTICLE 8.

*Adjustment with Shareholders.*

Each shareholder in the Toronto Company shall be entitled to paid up shares in the Company amounting in face value to \$131 $\frac{1}{2}$  for each paid up \$100 in the stock which he holds in the Toronto Company, and each shareholder in the Ontario Company shall be entitled to paid up shares in the company amounting in face value to \$82 for each paid up \$100 in the stock which he holds in the Ontario Company.

The Company shall adjust fractions of shares at the option of the shareholder who is to be paid or is to pay for the fraction of a share at par with the share of reserve added. That is to say : the shareholder electing to pay for the fraction required to make up a share is to pay at the rate of \$125 per \$100, and the Company are in case the shareholder elects to accept payment for the fraction to pay therefor at the same rate.

And the said shareholders of the said parties respectively shall each become and they are each hereby declared to be shareholders in the Company for the number of shares to be ascertained and allotted as above.

## ARTICLE 9.

To or from the 5,080 new shares to be issued shall be added or deducted any shares remaining or requiring to be allotted in the adjustment of fractional shares with the shareholders of either of the parties, and the number of new shares as so increased or reduced shall be allotted to the shareholders in the Company as nearly as may be (avoiding fractions) in proportion to their respective holding at the rate of \$125 for each \$100 shares, such shares to be paid for as follows : Upon each share within ten days from allotment \$15, and each two months thereafter \$10 per share, until the whole \$125 per share is fully paid and satisfied and thereupon and whenever the whole of the said capital stock of \$1,000,000 and the said reserve fund of \$250,000 is fully made up and paid as herein provided, the shareholders and each of them shall be freed and discharged from all or any further liability either to the Company or to its creditors in respect of their previous holdings of shares, or in respect of their shares in the Company.

Any such shares, the allotment of which is not accepted by any shareholder or which, by forfeiture by resolution of the directors for non-payment

ment of calls, remain unissued or revert to the Company, may be allotted in the discretion of the directors to other shareholders willing to accept the same, or may by the order of the directors be issued to the public.

#### ARTICLE 10.

The affairs of the Company shall be managed by a board of twenty-seven directors. Such number may be increased by by-law or by-laws of the directors to any number not exceeding thirty, and such number may be reduced to not less than fifteen by by-law or by-laws of the directors or by non-election where vacancies occur from time to time, and where vacancies occur the directors shall have power to appoint any shareholder to fill such vacancies, such appointment to hold good until a new general election of directors takes place at a meeting of shareholders.

#### ARTICLE 11.

The first directors of "The Company" shall be :—

John Hoskin, Q.C., LL.D. ....	Toronto
The Hon. S. C. Wood .....	"
W. H. Beatty .....	"
Samuel Alcorn .....	"
John Bell, Q. C. ....	Belleville
John L. Blaikie .....	Toronto
W. R. Brock .....	"
J. W. Digby, M. D. ....	Brantford
B. Homer Dixon .....	Toronto
J. J. Foy, Q.C. ....	"
George Gooderham .....	"
William Hendrie .....	Hamilton
H. S. Howland .....	Toronto.
Emilius Irving, Q.C. ....	"
Robert Jaffray .....	"
J. J. Kenney .....	"
J. W. Langmuir .....	"
A. B. Lee .....	"
Thomas Long .....	"
W. D. Matthews .....	"
E. A. Meredith LL.D. ....	"
Hon. Peter McLaren .....	Perth
E. B. Osler, M.P. ....	Toronto
The Hon. Sir, Frank Smith, Kt. P. C. ....	"
J. G. Scott Q.C. ....	"
T. Sutherland Stayner .....	"
B. E. Walker .....	"

Who shall hold office until the first general annual meeting of the shareholders of "The Company" which shall be held on the last Wednesday in February in each year.

John Hoskin, Q.C., LL.D., shall be the first president ; The Hon. S. C. Wood shall be the first vice-president ; W. H. Beatty shall be the first second vice-president ; J. W. Langmuir shall be the first manager ; A. E. Plummer shall be the first assistant manager and secretary of the said "Company," and A. D. Langmuir shall be the second assistant manager of the said "The Company."

#### ARTICLE 12.

The assent of the respective shareholders of the parties hereto to the terms of this indenture shall be signified as follows. This indenture shall be submitted to the shareholders and the vote thereon shall be taken by ballot and the assent of two thirds in value of the shareholders present or represented by proxy shall be required to confirm the agreement of union, provided for herein.



## ARTICLE 13.

All rights of creditors and cestuis que trustent to obtain payment of their claims out of the property, rights and assets of the Company party hereto liable for such claims, and all liens upon property, rights and assets of either of such Companies and all rights to have trusts duly administered shall be unimpaired by the union of said Companies, and all debts, contracts, liabilities, trusts and duties of either of the said Companies shall thenceforth attach to "The Company" and be enforced against it to the same extent as if the said debts, contracts, liabilities, trusts and duties had been incurred or contracted by it. And until the said capital stock paid up is made up to the sum of \$1,000,000 and the said reserve fund is made up to \$250,000 the shareholders of both the said Companies shall remain liable to the respective creditors and cestuis que trustent of the said respective Companies to the full extent of the amount unpaid upon their respective holdings of stock in the said Companies respectively.

## ARTICLE 14.

No action or proceeding by or against the said Companies so united or either of them shall abate or be affected by such union, but for all purposes of such action or proceeding, such corporation may be deemed still to exist or "The Company" may be substituted in such action or proceeding in the place thereof.

## ARTICLE 15.

All provisions of the Act of the Legislature of the Province of Ontario, 35 Victoria Cap. 83, incorporating The Toronto Company, and all the provisions of the Letters Patent under the Great Seal of the Province of Ontario relating thereto, namely the Letters Patent of the 7th day of January, 1885, of the 15th day of July, 1887, of the 2nd day of June, 1888, of the 1st day of May, 1889, and of the 13th day of December, 1897, and of the Order of the Lieutenant-Governor in Council of the 10th day of March, 1882, relating to the said Company, and all other Statutes, Orders in Council and Letters Patent relating to The Toronto Company are hereby declared to relate to "The Company" and to be binding upon the said united Company except in so far as any of the provisions of the said Act of incorporation and Letters Patent are altered or superseded hereby.

## ARTICLE 16.

The Letters Patent under the Great Seal of the Province of the 27th day of December, 1888, and the Order of the Lieutenant-Governor in Council of the 8th day of May, 1889, and all Statutes (if any) and other Orders in Council and Letters Patent relating to the said Ontario Company are hereby declared to relate to "The Company" and to be binding upon the said united Company except in so far as any of the said Statutes (if any) and Letters patent are altered or superseded hereby.

## ARTICLE 17.

The by-laws of The Toronto Company shall govern "The Company" except so far as the same may be altered by any of the terms hereof until the same are altered or changed or new by-laws are passed by the Directors of "The Company."

## ARTICLE 18.

In witness whereof the said parties have affixed their respective Corporate

porate Seals and attached hereto the signatures of their respective Presidents and Managers.

Signed, sealed and delivered } "John Hoskin,"  
in triplicate on the day and } President.  
year first above mentioned in } "J. W. Langmuir,"  
the presence of } Managing Director.

Corporate  
Seal  
The Toronto  
General  
Trusts  
Company.

"Hugh Spence."

"J. C. Aikins,"  
President.  
"A. E. Plummer,"  
Manager.

Corporate  
Seal  
The Trusts  
Corporation  
of Ontario.

## CHAPTER 110.

An Act to incorporate the Toronto Hotel Company.

*Assented to 1st April, 1899.*

**W**HEREAS William Rees Brock, William Henry Beatty, Preamble.  
Hugh N. Baird, William Henry Brouse, Duncan Coulson, L. J. Forget, George Gooderham, Edward Gurney, John Hoskin, Andrew S. Irving, Robert Jaffray, Æmilius Jarvis, Simeon Heman Janes, Albert E. Kemp, John Woodburn Langmuir, Wilmot D. Matthews, Samuel Nordheimer, John Herbert Mason, Edmond B. Osler, James H. Plummer, Elias Rogers, Frederick Wyld, Byron E. Walker, and Daniel R. Wilkie have petitioned for an Act to incorporate the petitioners as a company to be called The Toronto Hotel Company, with all such powers as to acquiring and holding lands and carrying on the business of a hotel as may be properly incidental or necessary for such company, and to confirm an agreement made between the persons, firms and corporations who are or may become subscribers for the stock or other securities of the said company and George Gooderham, Edward Gurney, and Æmilius Jarvis respecting the promotion and formation of the said company, and to enable corporations to become parties to such agreement and for such other purposes as may be incidental thereto; and whereas the proposed basis of incorporation of the said company appears to be exceptional and such as could not be embodied in a charter of incorporation under the provisions of *The Ontario Companies Act*; and whereas it is expedient to grant the prayer of the said petition:—

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. The said several persons are hereby constituted and declared to be a body corporate under the name of The Toronto Hotel Company.

Rev. Stat. c. 191, with certain exceptions to apply.

2. *The Ontario Companies Act* (Chapter 191 Revised Statutes of Ontario) shall apply and relate to the said company as if the several provisions thereof were incorporated herein, excepting sections 9, 10, 12, 14, 15, 23, 24, 98, 99, and 101.

Authority to acquire real estate.

3. The said company shall have power to acquire and hold real estate in the said City of Toronto as they may require from time to time for the purposes of a hotel, and to erect buildings thereon and to carry on the business of a hotel, and also to grant leases of such real estate for hotel purposes and of portions thereof for such other purposes as may be convenient or desirable and all such powers as may or shall be properly incidental or necessary for such company and concurrently therewith all powers conferred by *The Ontario Companies Act*.

Rev. Stat. c. 191.

Capital.

4. The capital of the said company shall be \$1,500,000 and shall be divided into 1,500 shares of \$100 each.

Number of directors.

5. The number of directors of the said company shall be as the by-laws of the company shall fix from time to time, but not less than five.

Provisional directors.

6. The first directors of the company shall be William Rees Brock, William Henry Beatty, Hugh N. Baird, Duncan Coulson, L. J. Forget, George Gooderham, Edward Gurney, John Hoskin, Andrew S. Irving, Robert Jaffray, Albert E. Kemp, John Woodburn Langmuir, Wilmot D. Matthews, John Herbert Mason, Edmond B. Osler, Byron E. Walker, Daniel R. Wilkie, and Frederick Wyld.

Payments in stock or bonds.

7. The directors (as well before as after the meeting of the shareholders) may pay, or agree to pay, in paid-up stock or in bonds of the said company, or in both, such sums as they may deem expedient to engineers or contractors or for purchase of land or material or plant or the construction or equipment of their buildings and works or any part thereof, and also for the services of promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking and for any purpose mentioned in the agreement set out in the schedule hereto.

Bonding privileges.

8. The directors shall have power to issue bonds and secure the same as provided for in the agreement set out in the schedule hereto, and any further sanction of the shareholders shall not be requisite thereto.



9. The agreement respecting the promotion and formation of the said company and otherwise in respect thereof, a copy whereof is appended hereto, and marked as Schedule A, is hereby confirmed and declared to be valid and binding on all persons, firms and corporations who have become, or shall hereafter become, parties thereto, according to the tenor thereof, or to the like effect.

Agreement confirmed.

## SCHEDULE A.

(Section 9.)

THE TORONTO HOTEL COMPANY.—CAPITAL \$1,500,000.

*Provisional Directors:* William Rees Brock, William Henry Beatty, Hugh N. Baird, Duncan Coulson, L. J. Forget, George Gooderham, Edward Gurney, John Hoskin, Andrew S. Irving, Robert Jaffray, Albert F. Kemp, John Woodburn Langmuir, Wilnot D. Matthews, John Herbert Mason, Edmond B. Osler, Byron E. Walker, David R. Wilkie and Frederick Wylde.

*Trustees:* The Toronto General Trusts Company and The National Trust Company, of Ontario, Limited.

Agreement made this eleventh day of January, one thousand eight hundred and ninety-nine, between the several persons, firms and corporations whose names are hereunto subscribed, hereinafter called the subscribers of the first part, and George Gooderham, Edward Gurney and Æmilius Jarvis, all of the city of Toronto, of the second part.

Whereas the said Æmilius Jarvis has been engaged in promoting the formation of a company for the purchase of land and the erection of a first-class hotel in the city of Toronto; and whereas the subscribers hereto have agreed with the said George Gooderham, Edward Gurney and Æmilius Jarvis to subscribe for stock and mortgage bonds of the company as hereinafter provided:—

Now therefore this indenture witnesseth that the said subscribers, for themselves and their respective executors and administrators or successors severally, in consideration of the promoting of the said enterprise, agree with the said George Gooderham, Edward Gurney and Æmilius Jarvis, their executors, administrators and assigns, that upon the said company being incorporated and upon a resolution being passed by the directors declaring that in their opinion the company is in a position to effectually proceed with the said enterprise, they will pay to them or to their assigns yearly, for the period of twenty years from the first day of January, 1899, the annual sum set out in the appendix hereto executed by each subscriber respectively, the first of such payments to be made in fifteen days after the passing of the said resolution, and the subsequent payments on the second day of July in each year, commencing on the second day of July, 1900.

Upon the said company being incorporated and a resolution passed by the directors as above mentioned, the said George Gooderham, Edward Gurney and Æmilius Jarvis shall assign the said several subscriptions or agreements to the said company.

And

And it is hereby agreed that the company shall be incorporated and its stock and bond issues arranged, and the other affairs of the company settled in the following general manner, subject to such changes as may be found expedient and be agreed to by a majority of two-thirds in value of the subscribers hereto present, in person or by proxy, at any meeting called by notice to each subscriber, mailed to his address, or supposed address, at least five days before the time appointed for such meeting.

The capital stock of said company to be one million five hundred thousand dollars, of which a sufficient number of fully paid up shares (not exceeding ten shares to each one) are to be issued to persons named as directors of the company prior to the first meeting of shareholders, to enable such persons to qualify as such directors.

The purchase of the land and erection of a hotel thereon and furnishing thereof, and other expenses and outlays which may be requisite to be made in promoting and carrying out the said enterprise, to be provided for by the issue of mortgage bonds of the company so to be formed, the same to be payable in twenty years, with interest at such rates as may be fixed by the directors, and to be secured by a mortgage or mortgages to trustees of the real and personal property (including future earnings and avails) of the said company, or such parts thereof as the directors may determine, and to be further secured by transfer to trustees of the subscription and agreement of each subscriber hereto to make the annual payments therein mentioned, the amount of bonds so to be issued to be such as may be necessary to provide or produce sufficient funds for the purposes aforesaid, the moneys provided by such annual payments to be applied (after paying thereout the fees and expenses of the said trustees) firstly, in paying the interest of the said bonds, if and so far as the net income of the company may be insufficient therefor, and then any surplus thereof in taking up or paying off such bonds to such amount or extent as may be practicable to be selected by lot.

If the directors of the company find it expedient, they may divide the issue of the said bonds into two or more classes or series, with such priorities as they may deem advisable, and with such separation of the said securities and appropriation thereof, or of the separate parts or items thereof, to such classes or series of bonds respectively, all of which classes or series, if created, shall be together included in the expression "original mortgage debt" hereinafter.

For each payment made by each subscriber hereto, his or their executors and administrators or successors and assigns, there shall be issued to him or them shares of the capital stock of the company to an amount equivalent to such payment, which payment shall be treated as a payment for such stock, and in full of all liability thereon.

In consideration (besides the payments herein mentioned) of the subscribers waiving any claim to dividend in the capital stock, as hereinafter provided, there shall be issued to each subscriber, his or their executors, administrators or successors and assigns, in addition to such holding of stock, upon the completion of the full twenty annual payments by such subscriber, his or their executors, administrators or assigns, successors and assigns, but not otherwise, mortgage bonds equivalent to the total amount so paid by him and them, and to provide for such issue a mortgage bond debt shall be created to an amount not exceeding the total amount so paid. Such bonds shall be secured by mortgage to trustees of all the real and personal estate of the said company, and shall be the first charge thereon next after so much as shall remain unpaid of the said original mortgage debt, if any. Such mortgage bonds shall be payable at such dates, and shall bear such rates of interest as the shareholders of the company shall determine. In the event of the entire issue of original mortgage bonds being retired, in the manner herein provided, at or before the end of twenty years, then first mortgage bonds shall be issued to the subscribers in like manner as the second mortgage bonds would have been, as above provided, and in lieu thereof.

Any subscriber, his or their executors, administrators or successors and assigns, shall be at liberty to pay off the said annual payments at any time before maturity at the then present value of such yearly payments, actuarially determined on the basis of interest compounded at the rate of four per cent. per annum, and upon making such payment shall be entitled to receive forthwith shares to the full amount of the said annual payments, irrespective of the said allowance for prepayment, and to receive at the end of the said period of twenty years bonds for the total amount of his or their annual payments, also irrespective of the said allowance for prepayment.

The net income of the said company (after payment of all proper expenditures and outlays) is to be paid in every year to the Trustees for the bondholders. The money so paid to the said trustees shall be applied in the same manner and for the same purposes as the said annual payments, as herein provided.

No dividends shall be paid on the capital stock of the company until at least fifty per cent. of the original mortgage debt shall have been paid off.

The trustees for bondholders shall be The Toronto General Trusts Company and The National Trust Company, of Ontario, Limited, jointly.

The first directors of the said company shall be William Rees Brock, William Henry Beatty, Hugh N. Baird, Duncan Coulson, L. J. Forget, George Gooderham, Edward Gurney, John Hoskin, Andrew S. Irving, Robert Jaffray, Albert E. Kemp, John Woodburn Langmuir, Wilmot D. Matthews, John Herbert Mason, Edmond B. Osler, Byron E. Walker, David R. Wilkie and Frederick Wyld.

Application shall be made to the Legislature for an Act to confirm this agreement, and to give all powers and authorities which may be necessary or desirable for carrying out the general purposes and intention of this agreement, and all things incidental thereto.

#### APPENDIX.

with George Gooderham, Edward Gurney and Æmilius Jarvis, their ex- agree  
 cutors, administrators and assigns, to pay to them the annual sum of  
 dollars in accordance  
 with the terms and provisions of the foregoing agreement,

As witness hand and seal this  
 day of 1899

Witness:

## CHAPTER 111.

An Act respecting the Incorporated Synod of the  
Diocese of Toronto.*Assented to 1st April, 1899.*

## Preamble

WHEREAS the Incorporated Synod of the Diocese of Toronto herein called "The Synod," has by its petition represented that under various Acts the property comprising the Toronto Rectory Endowment is now vested in the Synod, in trust to pay the income thereof to incumbents of churches in the City of Toronto and the Township of York, but so that the incumbent of St. James Church in Toronto shall not receive less than the sum of five thousand dollars a year; and that a part of such property consists of lands within and in the neighbourhood of the City of Toronto, which have for many years been leased, and upon which tenants thereof have erected buildings; and that the leases of certain of the properties comprised in the trust have been cancelled in consequence of the tenants failing to pay rentals reserved thereby; and that the Synod has expended various sums for costs in recovering possession of the said properties, and for accrued taxes thereon, and for repairs and improvements to the buildings thereon; and that many of the buildings erected upon the said lands are now wholly unsuited to their localities and for the purposes of the tenants thereof; and whereas it has been made to appear that it is in the interests of the trust that new buildings should be erected upon certain of the said lands, and that other buildings upon certain other of the said lands should be reconstructed; and whereas it is further represented that the Synod is not possessed of



any power to raise money to meet such expenditures and it is not just that the whole of the income of such endowment immediately available for distribution amongst the beneficiaries under such trust fund other than the said rector of St. James' Church, should be charged with such expenditures; and whereas it is advisable that the Synod should be empowered to raise money for the purposes aforesaid; that out of the proceeds of the sale of buildings upon the lands so acquired by the Synod, by the forfeiture of preexisting leases the rentals due at the date of forfeiture should be distributed amongst the said beneficiaries; and whereas by the said petition the Synod has also represented, that at its last session a canon was adopted for the settlement within the Diocese of Toronto, of differences between clergymen and their parishioners, and it is desirable that the said canon should be confirmed and declared to be valid; and whereas by the said petition the synod has also represented, that it is desirable to amend the Act incorporating the Synod, so as to empower the Synod to prescribe the qualifications of clergymen as well as of lay representatives of parishes and missions necessary to the right to sit and vote in Synod: and whereas the Synod has prayed that an Act may be passed for the several purposes herein set forth, and no one has appeared to oppose the said petition; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall be lawful for the Synod to execute and issue debentures, not exceeding at any one time in the whole the sum of fifty thousand dollars, in such sums of not less than one hundred dollars each as the Synod may determine.

Authority to  
issue debentures.

2. The said debentures shall be made payable at such period not exceeding twenty years from the date thereof as the Synod may direct. Coupons shall be attached to the said debentures for the payment of the interest thereon, and such interest shall be payable at such rate as the Synod shall direct, and shall be paid half yearly.

Debentures  
and interest

3. A portion of the debentures to be issued under this Act shall be made payable in each year after the issue of the debentures, for a period not exceeding twenty years, and so that the aggregate amount payable for principal and interest in any one year in respect of such debentures, shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of the period within which the said debenture debt is to be discharged.

Debentures  
then payable

4. The funds to be raised by the issue of debentures authorized as aforesaid, shall be applied to defray the costs

Application of  
debentures.

incurred

incurred in recovering possession of any of the lands and premises which comprise part of the Toronto Rectory Endowment, and in respect of taxes accrued upon the said lands and premises, and repairs and improvements to the buildings thereon, and in remodelling and reconstructing the said buildings, or in erecting new buildings on the said lands

Refunds to  
beneficiaries.

5. Out of the funds to be so raised by the issue of the debentures, the Synod may also refund to existing beneficiaries entitled to share in the income of the said endowment, whatever amount has at any time been deducted from the income of the said endowment, for the purpose of defraying the expenditure mentioned in the preceding section, and the Synod may also pay to such beneficiaries amounts equal to the arrears of rental due to the Synod in respect of lands acquired by forfeiture of pre-existing leases and for non-payment of which such leases have been forfeited.

Debentures to  
have force of  
mortgages.

6. Subject to the right of the Incumbent of the Rectory of St. James in the City of Toronto to receive out of the income of the said endowment the sum of five thousand dollars a year, the debentures so issued as aforesaid shall, without registration or formal conveyance, be taken and considered to be charges upon the lands and premises comprised in such endowment, and the holder of any of the said debentures shall be deemed to be a mortgagee and encumbrancer *pro rata* with the other holders thereof, upon the said lands and premises and the revenues derived therefrom, but such debentures shall not form any charge upon the other assets and property of the Synod.

Pledge debentures.

7. The Synod may sell, assign or pledge all or any of the said debentures for the purpose of raising money for any of the purposes mentioned in sections 4 and 5 of this Act.

Unnecessary  
to see to appli-  
cation of pro-  
ceeds.

8. No person advancing money on or for the purchase of the debentures to be issued under the provisions of this Act shall be in any way bound to see to the application of the money so advanced.

Authority to  
mortgage  
lands.

9. The Synod may in lieu of issuing debentures, mortgage the said lands or any of them for the purpose of raising money to be expended for any of the purposes mentioned in sections 4 and 5 of this Act.

Authority to  
sell buildings.

10. The Synod is empowered upon making leases of any of the said lands to sell the buildings erected thereon which the synod has acquired by forfeiture or surrender of any pre-existing leases, and out of the proceeds of the sale of such buildings, may distribute amongst the beneficiaries of the said fund an amount equal to the arrears of rental due to the Synod, in respect of the lands upon which such buildings are erected

erected at the time the leases comprising the lands on which such buildings are erected were forfeited or surrendered, and the balance of the proceeds of such sale shall be applied towards paying any of such debentures outstanding, or in the event of there being no debentures outstanding, then the said balance shall form a part of the capital fund of the said endowment.

**11.** The powers conferred upon the Synod by the previous provisions of this Act shall be exercised by the executive committee of the Synod. Power of executive committee.

**12.** The Canon of the Synod adopted at the session thereof held in the year 1898, and set out in the Schedule to this Act, is hereby ratified, confirmed and declared to be valid, and all the powers and provisions in the said Canon contained shall be valid and binding as fully and as effectually and shall in all respects have the same force and effect as though the same and every of them were expressly embodied in this Act. Canon confirmed.

**13.** The Bishop of the Diocese of Toronto for the time being may at any time suspend or remove from his benefice an incumbent of any rectory, parish or mission within the Diocese of Toronto, as provided by the said Canon, or by any amendment thereof adopted by the Synod. Authority of bishop to suspend or remove.

**14.** Every order of the Bishop of the said Diocese for the time being, made under the said Canon, shall be enforceable as provided by the said Canon after the proceedings therein prescribed or which may be prescribed by any Canon adopted by the Synod have been taken. Orders of bishop to be enforceable.

**15.** The Synod may repeal, alter or amend the said Canon Authority to repeal canon.

**16.—(1)** Section 2 of the *Act to Incorporate the Synod of the Diocese of Toronto and to unite the Church Society of the Diocese of Toronto therewith*, passed in the 32nd year of Her Majesty's reign and chaptered 51, is repealed, and the following substituted therefor: 32 V. c. 51 s. 2 repealed.

**(2)** The said Synod shall consist of the Bishop of the said Diocese, who shall be the head of the said Synod, and any Suffragan or Coadjutor Bishop thereof, and of such clergymen and lay representatives of parishes and missions as possess the qualifications prescribed by the Synod. Synod, how constituted.

**(3)** The Synod may from time to time prescribe the qualifications of the clergymen and lay representatives of parishes and missions necessary to the right to sit and vote in Synod and may exclude from the Synod those who do not possess or are declared by the Synod not to possess the prescribed qualifications. Power to prescribe qualifications of clerical and lay members.

When to come  
into force.

17. Subsections 1 and 2 of the last preceeding section of this Act shall come into force after the close of the annual session of the synod to be held in the year 1899.

## SCHEDULE.

(Section 12.)

### A CANON FOR THE SETTLEMENT OF DIFFERENCES BETWEEN CLERGYMEN AND THEIR PARISHIONERS.

1. Whenever the bishop of the diocese believes that differences have arisen between a rector or other clergyman in charge of any rectory, parish or mission in the diocese and communicants resident in the said rectory, parish or mission, or that the condition of the rectory, parish or mission is in any respect such as to require investigation, the bishop may, and upon a request in writing signed by five persons qualified to vote at the election of lay representatives of such rectory, parish or mission, or by the said clergyman, shall, unless he shall be of opinion, after considering the whole circumstances of the case, that proceedings should not be taken (in which case he shall state his reasons in writing to one of the petitioners) appoint a committee consisting of one clerical and one lay member of the synod of the diocese whose duty it shall be to proceed to the rectory, parish or mission and endeavour, if possible, to bring about a settlement of the differences existing therein or the removal of any grievance or cause of scandal or other hinderance to the peace or prosperity of the rectory, parish or mission.

2. Within one month after their appointment the said committee shall report in writing to the bishop, and if the said committee by their said report declare that they have failed to bring about a settlement of the said differences and that for causes named in the report (not being subjects for investigation under the canon on church discipline) the said committee consider it to be detrimental to the interests of the church that such rector or other clergyman should longer remain in charge of such rectory, parish or mission, and recommend that a commission of enquiry be issued to enquire into such complaints made by communicants of the church resident in the rectory, parish or mission as may be recited in the said report, the bishop shall issue a commission to two clergymen and one layman (who shall be either the Chancellor of the Diocese or some other member of the synod being a Queen's Counsel and who shall be the chairman of the said commission) empowering the commissioners therein named to hold such investigation.

3. As soon as conveniently may be after the issue of the commission the commissioners shall give notice to the clergyman in charge of such rectory, parish or mission and to the church wardens and lay representatives thereof, and the petitioners for the commission of enquiry, of the time and place at which the commissioners will hold their sittings.

4. The proceedings by and before the said commission shall be as nearly as possible similar to those provided in respect of the court for the trial of complaints under the canon on church discipline.

5. The commissioners, or a majority of them, shall report with all convenient speed to the Lord Bishop of the diocese the result of their enquiry, and may recommend that such action be taken in the premises as they may deem advisable.



6. The Lord Bishop shall take such action upon the report of the commissioners as may seem to him desirable in case the needed power in that behalf be granted by the Legislature, and he may suspend or remove the incumbent of such rectory, parish or mission from his benefice.

7. Any clergyman neglecting or refusing to obey any order so made by the bishop under this canon shall be punishable as for contumacy under the canon on church discipline.

## CHAPTER 112.

An Act respecting the Church of The Holy Trinity,  
Toronto.*Assented to 1st April, 1899.*

## Preamble

WHEREAS on the thirty-first day of March in the year one thousand eight hundred and eighty-one the Bishop of the Diocese of Toronto executed the declaration of trust set out in the Schedule to this Act concerning certain property held by him and his successors in the See for the benefit of the Church of the Holy Trinity in the City of Toronto; and whereas it appears that the said property was purchased out of moneys given for the purpose of building the said Church and that no provision has been made for maintaining the fabric of the said Church in repair; and whereas the said declaration of trust was not made in pursuance of any condition or agreement annexed to the donation of the said moneys; and whereas the Rector and Churchwardens of the said Church have presented a petition praying that the trusts aforesaid may be varied as hereinafter mentioned; and whereas the Bishop of the said Diocese of Toronto and the Incorporated Synod of the said Diocese of Toronto have concurred in the said petition, and no opposition has been offered thereto, and whereas, it is expedient to grant the prayer of the Petition.

Therefore, Her Majesty by and with advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. The said declaration of trust is hereby varied by adding thereto the following clause;

upon

Upon the death of the Reverend John Pearson D. C. L. the present Rector of the said Church, or upon his resignation of the Rectory of the Church of the Holy Trinity, Toronto, which-ever shall first happen, the income of the endowment of the said Church shall thereafter be held by the Bishop of the Diocese of Toronto and his successors upon trust as to nine-tenths of the amount thereof for the benefit of the Rector of the said Church, and as to the remaining one-tenth thereof to be paid to the Churchwardens for the time being of the said Church of The Holy Trinity, Toronto, as the same shall be received to be applied by them towards the maintenance of the fabric of the said church of The Holy Trinity, Toronto and the building used as vestry and chapel annexed thereto, and for or towards the payment of any debt now or hereafter to be incurred for the purpose of effecting any repairs to such buildings; and in the event of such one-tenth of the income of the said endowment or any part thereof not being required to be expended in any year for the purpose aforesaid, the same is to be accumulated by the said Churchwardens until the same shall be so required, and is not to be expended by them for any other purpose whatsoever.

Appropriation  
of one-tenth of  
income to  
maintenance  
of fabric.

### SCHEDULE.

TO ALL TO WHOM THESE PRESENTS SHALL COME I, ARTHUR, BY DIVINE PERMISSION, BISHOP OF TORONTO, SEND GREETING :

Whereas by indentures of lease and release, dated respectively on or about the twenty-first and twenty-second days of April, A. D. one thousand eight hundred and forty-six, and made between John Langstaff the Younger, of the Township of Markham, in the County of York, Gentleman, of the one part, and the Honourable and Right Reverend John Lord Bishop of Toronto (since deceased), of the other part, in consideration of twelve hundred pounds therein expressed, to be paid to the said John Langstaff by the said John Lord Bishop of Toronto, he, the said John Langstaff, did convey to the said John Lord Bishop of Toronto, and his successors, all that certain parcel of land and premises situate, lying and being in the City of Toronto, in the County of York, being composed of part of lot number one on the south side of the street then called Newgate Street, but now known as Adelaide Street, more particularly described as follows : Commencing at the distance of three chains seventeen links from the north-west angle of the said lot on a course south sixteen degrees east at the centre of the block on the east side of Yonge Street, then north seventy-four degrees, east three chains seventeen links. Then north sixteen degrees, west fifty-one feet. Then south seventy-four degrees, west three chains seventeen links to Yonge Street. Then south sixteen degrees, east fifty-one feet to the place of beginning ;

And whereas by a certain memorandum bearing date the thirty-first day of December, A. D. one thousand eight hundred and fifty-three, under the hand of the said late John Lord Bishop of Toronto, it appears that the said sum of twelve hundred pounds in the said indenture or release mentioned was part of a sum of five thousand pounds sterling placed in his hands for the building and endowment of a church in his diocese, and that the above mentioned lands had been purchased by him

as and for an endowment of the Church of the Holy Trinity, situate in Trinity Square, near Yonge Street, in the said City of Toronto, being the church erected by the said bishop in pursuance of the trust aforesaid ;

And whereas the said above described lands are now vested in me as Bishop of Toronto for that purpose and no other, and it is expedient that the purpose for which the said lands are so held by me should be declared and made manifest :

Now therefore know ye that I, the said Bishop of Toronto, do hereby acknowledge and declare that the said lands and premises hereinbefore described were conveyed to my predecessor, the said John Bishop of Toronto, and his successors, to the intent that the same should be held forever thereafter by him and his successors as Bishops of Toronto upon the trust that the rents, issues and profits thereof, after deducting all such charges and disbursements as may be incurred in the care and management of said property and in the execution of the said trust may be appropriated and applied towards the support of the incumbent of that certain church of the Church of England, otherwise called the United Church of England and Ireland, situated in Trinity Square, near Yonge Street, in the City of Toronto, called the "Church of the Holy Trinity," and I do declare that I and my successors, Bishops of Toronto, shall and will stand seized of and interested in all the said hereditaments and premises in trust and upon and for the uses, intents and purposes aforesaid and none other whatsoever.

In witness whereof I have hereunto set my hand and seal this thirty-first day of March in the year of Our Lord one thousand eight hundred and eighty-one in duplicate.

<div style="display: inline-block; vertical-align: middle;"> <div style="border: 1px solid black; padding: 5px; text-align: center; width: 100px;">           Episcopal Seal.         </div> </div>	Signed, sealed and delivered in the presence of WM. P. ATKINSON.	<div style="display: inline-block; vertical-align: middle;"> <div style="font-size: 3em; vertical-align: middle;">}</div> <div style="display: inline-block; vertical-align: middle;">           (S'gd) ARTHUR TORONTO.         </div> </div>
---	--	---



## CHAPTER 113.

## An Act respecting Knox Church, Toronto.

*Assented to 1st April, 1899.*

WHEREAS the trustees of Knox Church, Toronto, have by Preamble.  
 their petition shewn that by a conveyance dated the 19th day of April, 1827, Jesse Ketchum, since deceased, conveyed to certain trustees therein named the east two-thirds of lot number three (3) on the north side of Hospital Street, now Richmond Street, in the City of Toronto, "to be solely appropriated for the building thereon of a church or place of worship and a house for education," which conveyance was received by the trustees therein named in virtue of the powers conferred on them by the Act of the Parliament of Upper Canada, passed in the fourth year of the reign of His Majesty, King George the Fourth, intituled *An Act to enable the Presbyterian Congregation of York to purchase one or more parcels of ground sufficient for the erection of a Church or Burying Ground*, and that by a certain other conveyance dated the 25th day of April, 1856, made by way of further assurance, the said Jesse Ketchum granted to the then trustees of Knox Church the said lands to hold the same on the trusts declared and set forth in the said conveyance of 19th April, 1827, and that by the Act of the Parliament of Canada, 20 Victoria, chapter 218, the said lands were directed to be held by the said trustees of Knox Church upon the trusts in the said deeds mentioned; that the congregation of Knox Church has erected a church on the said premises which has for many years been used as a place of worship for the said congregation, but that the locality in which the church is situate is now largely occupied by buildings used for commercial purposes, and that the former residential population which

formed

formed the bulk of the congregation has left the neighborhood and that the congregation are desirous of moving to some other part of the City of Toronto more suitable for the purposes of the church and that the trustees should be authorized to sell and dispose of the said church and site whenever an offer therefor shall be received which will meet with the approval of the congregation; and whereas it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Authority to  
sell.

1. The trustees of Knox Church, Toronto, are hereby empowered to sell and dispose of, for cash or on credit or partly for cash and partly for credit, the said east two-thirds of lot number three on the north side of Hospital Street, (now Richmond Street) in the City of Toronto, and to convey the same when so sold to the purchaser or purchasers thereof freed and discharged from the trusts expressed and declared concerning the same in the said conveyance from the said Jesse Ketchum of the 19th April, 1827, and 25th April, 1856, and the said Act of 20 Victoria, chapter 218; provided always that any such sale shall be first approved by the said congregation at a general meeting of the members thereof duly called for the purpose of considering such proposed sale by notice given from the pulpit of said church during divine service in the forenoon for two successive Sundays immediately preceding the said meeting, and that the consent of such meeting to said sale shall be sufficiently testified by the execution of the conveyance of the said lands to the purchaser thereof by the chairman of the said meeting; provided further that the sanction of the Presbytery of Toronto in that behalf shall have been also first obtained before any such sale or disposition be made.

Moneys to be  
held in trust.

2. All moneys to be derived from the sale of the said church and lands shall be held by the trustees for the then time being of Knox Church on trust for the purchase of another site in the City of Toronto for the said church and for the erection of another church or place of worship for the use of the said congregation to be approved by the said congregation, and sanctioned by the said Presbytery.

Other lands  
not to be  
affected.

3. The sale of the said site shall in no way affect the trusts on which the trustees of Knox Church hold certain other lands conveyed to them by the said Jesse Ketchum and confirmed in them by said Act of 20 Victoria, chapter 218, and the rents of the lands therein mentioned shall continue to be received and held by the said trustees on the same trusts for the benefit of the said congregation, whether worshipping in the present church or in any other site on which a new place of worship may be erected for its use.

## CHAPTER 114.

## An Act respecting the Hamilton Young Women's Christian Association and Technical Institute.

*Assented to 1st April. 1899.*

**W**HEREAS "The Hamilton Young Women's Christian Association" have, by their petition represented that the said association was incorporated on the 8th day of December, 1891, under chapter 172 of the Revised Statutes of Ontario, 1887, intituled *An Act respecting Benevolent, Provident, and other Societies*, and by their said petition have asked for an Act giving them fuller powers than they now possess, and that the name of the said corporation may be changed to "The Hamilton Young Women's Christian Association and Technical Institute"; and whereas it is expedient to grant the prayer of the said petition; Preamble.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The incorporation of the said association or corporation is hereby confirmed and the corporate name thereof is hereby changed to "The Hamilton Young Women's Christian Association and Technical Institute," and the said corporation shall be hereafter known and called "The Hamilton Young Women's Christian Association and Technical Institute," and all the real and personal estate, property, assets and effects, and all present and future grants, devises, legacies or bequests, and all titles, securities and instruments, and all rights, claims and liabilities in favour of or

Change of  
corporate  
name.

against

against the said "The Hamilton Young Women's Christian Association" shall vest in and shall enure to or against the said "The Hamilton Young Women's Christian Association and Technical Institute" as fully and effectually to all intents and purposes as they now are vested in or enure to or against or might enure to the said "The Hamilton Young Women's Christian Association" as originally constituted.

Power to acquire and hold land and invest moneys derived from sale thereof.

2. For the actual use and occupation of the said corporation for the purposes thereof the said corporation may hold lands, tenements or interests therein acquired by gift, devise, bequest or purchase not exceeding in the whole at any one time the annual value of \$10,000, and the said corporation may also hold further lands, tenements or interests therein acquired by gift, devise or bequest not required for the actual use and occupation of the said corporation for the purposes thereof not exceeding the annual value of \$10,000, but such last mentioned lands, tenements or interests therein shall not be held for a period longer than seven years from the acquisition thereof, and within that period they shall be absolutely disposed of by the said corporation, and such lands, tenements or interests therein, as have not within the said period been so disposed of shall revert to the person from whom the same were acquired, his heirs, executors, administrators and assigns; and the proceeds of the said sales and all or any part of the moneys derived therefrom or from any other source may be invested from time to time in the securities mentioned in the said Act, and also in mortgage securities over real estate whether freehold or leasehold, and also in municipal debentures or the debentures of any society or company in which any trustee under the provisions of chapter 130 Revised Statutes of Ontario, 1897, intitled *The Trustee Investment Act*, may invest any trust fund.

Authority to buy, sell and mortgage.

3. The said corporation shall have power from time to time and so often as they shall deem expedient, to sell, alienate, lease, dispose of, convey and mortgage the real and personal property of the said corporation as the said corporation may deem expedient.

Technical education.

4. The said corporation shall have power to establish a system of technical education including such branches in domestic science and the development of such of the industrial arts as the board of directors of said corporation may from time to time determine.

Authority to make by-laws.

5. The said corporation shall have power from time to time to make such by-laws rules and regulations for the government of the affairs of the corporation, and to repeal and amend the same as they may think necessary or expedient.



6. Every contract, agreement, engagement, or bargain made and every bill of exchange drawn, accepted or endorsed, and every promissory note and cheque made, drawn or endorsed on behalf of the said corporation by any agent, officer or servant of the corporation, in general accordance with his powers as such under the by-laws of the corporation, shall be binding upon the corporation, and in no case shall it be necessary to have the seal of the corporation affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note, or cheque, or to prove that the same was made, drawn, accepted or endorsed as the case may be, in pursuance of any by-law or special vote or order; nor shall the party so acting as agent, officer or servant of the corporation be thereby subjected individually to any liability whatsoever to any third party therefor. Negotiable  
instruments.

(2) Nothing in this section shall be construed to authorize the corporation to issue any note payable to the bearer thereof, or any promissory note intended to be circulated as money, or as the note of a bank.

## CHAPTER 115.

## An Act to incorporate The London Young Men's Christian Association.

*Assented to 1st April, 1899.***Preamble.**

**W**HEREAS an Association under the name of The London Young Men's Christian Association has existed for several years in the City of London, having for its object the improvement of the spiritual, intellectual and social condition of young men, and the promotion of christian work in that city, and is governed by a constitution and by-laws which have received the assent of the members of the said Association; and whereas the members of the said Association have by petition prayed to be incorporated; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows

**Incorporation.**

**1.** W. R. Hobbs, W. M. Spencer, William Bowman, W. H. Wortman, J. H. Chapman, George A. McGillivray, George Hodge, M.D., F. W. Daly, J. W. Westervelt, F. J. Harrison, Thomas A. Browne, F. H. Heath, R. A. Little, R. Kirkpatrick and C. H. Ivey, and such other persons as now are or hereafter shall become members of the said Association, shall be and they are hereby constituted a body politic and corporate under the name of "The London Young Men's Christian Association," and shall have power to acquire and hold real estate in the said City of London, provided the annual value of real estate so held and not actually used for

the work of the said association shall not exceed at any one time ten thousand dollars, and the same or any part thereof to alienate, exchange, mortgage, lease or otherwise charge or dispose of as occasion may require; and may also acquire any other real estate or interest therein (so long as the annual value of the same shall not at any one time exceed five thousand dollars), by gift, devise or bequest if made at least six months before the death of the party making the same; and may hold such estate or interest therein for a period of not more than seven years, and may within that time alienate or dispose of the same, and the proceeds of such estate or interest therein as shall have been so disposed of shall be invested in public securities, county or municipal debentures or other approved securities, for the use of the said corporation; and such estate or interest therein as may not within the said period be alienated or disposed of shall revert to the party from whom the same was acquired, his heirs and representatives.

2. The personal property of the said Association shall become the property of and is hereby vested in the said corporation. Personal property to vest in corporation

3. The object of the said corporation shall be the spiritual, mental, social and physical improvement of young men by the maintenance and support of meetings, lectures, classes, reading rooms, library, gymnasiums, and such other means as may from time to time be determined upon. Objects of corporation.

4. The constitution and by-laws by which the said Association is now governed shall be the constitution and by-laws of the said corporation, but they or any of them may be added to, amended or repealed and others substituted therefor in the manner and subject to the conditions and provisions therein stated. Constitution and by-laws.

5. The officers and members of the board of directors of the Association at the time of the passing of this Act shall be the officers and members of the board of directors of the said corporation and shall retain their respective offices and positions until others shall be elected in their place. Directors and officers.

6. The said corporation shall at all times when required by the Lieutenant-Governor of the Province make an annual return of all property held by it, with such details and other information as the Lieutenant-Governor may require. Annual return

7. The funds of the said corporation shall be used for the purposes authorized by this Act, and nothing herein contained shall authorize the said corporation to engage in business of trading in real estate. Purposes for which funds are to be used.

Real estate?  
how managed.

8. The real estate of the said corporation shall become the property of and is hereby vested in the said corporation subject to existing encumbrances thereon and shall be managed and controlled by a Board of not less than five trustees who shall be elected in accordance with the constitution and by-laws of the corporation, and the real estate shall not, nor shall any part thereof, be liable for any future debts or obligations, unless the debt or obligation shall have been contracted with the consent of the board of trustees, expressed by resolution duly passed and recorded.

Number and  
qualification  
of trustees.

9. The corporation may by by-law increase or decrease the number of its trustees and provide as to their qualification, mode of election and the time for which they shall hold office.

Technical in-  
struction!

10. The said corporation shall have power to establish a system of technical education, including such branches of mechanical science and the development of such of the industrial arts as the board of directors of said corporation may from time to time determine.

Exemption of  
buildings from  
taxation.

11. The buildings of the Young Men's Christian Association of the City of London and the land whereon the same are erected shall, so long as the same are occupied by and used for the purposes of the association, shall be and the same are hereby declared to be exempt from taxation provided that the public hall or auditorium in the said buildings shall not be included in the said exemption.



## CHAPTER 116.

An Act respecting the Trustees of the Osgoode  
Burial Ground.

*Assented to 1st April, 1899.*

WHEREAS the Trustees of the Osgoode Burial Ground Preamble.  
have by their petition prayed that an Act may be  
passed to confer upon them the said trustees additional pow-  
ers for the purpose of enabling them the said trustees to  
better preserve and improve the said burial ground; and  
whereas no opposition has been offered to the said petition;  
and whereas it is expedient to grant the prayer of the said  
petition.

Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows :—

1. Chapter 85 of the Acts passed in the 34th year of Her 34 Vict. c. 85  
Majesty's reign intituled *An Act to enable the Trustees of the* amended.  
*Canada Presbyterian Church in Osgoode to convey parts of*  
*the Church-Lands to other Trustees for a Burial Ground* is  
amended by adding thereto after section 5 thereof, the follow-  
ing section :

5.—(a) In case the fees mentioned in the next preceding  
section shall not be sufficient for the proper main-  
tenance, improvement and repairing of the said  
burial ground the said trustees may pass one by-  
law in any or every year authorizing the levying  
and collecting from the holder or holders of any

lot or lots in said burial ground a sum not exceeding fifty cents for each lot held by them, and the said trustees may enforce payment of the sum or sums so levied upon the said holder or holders of said lot or lots by action against the said holder or holders in any court of competent jurisdiction and the moneys so levied and collected shall be used by the said trustees in the maintenance, repairing and improvement of the said burial ground.

---

## CHAPTER 117.

## An Act respecting St. Luke's General Hospital.

*Assented to 1st April, 1899.*

WHEREAS the St. Luke's General Hospital has by Preamble  
petition prayed that an Act may be passed providing  
for certain amendments in the Act of the Legislature of the  
Province of Ontario, passed in the 60th year of Her Majesty's  
reign, chaptered 104, incorporating the said Hospital; and  
whereas it is expedient to grant the prayer of the said  
petition;—

Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

1. Section 7 of the said Act is hereby amended by inserting 60 Vic. c. 104  
therein after subsection 2 the following subsections, that is s. 7, amended.  
to say:

2a. If one person or if two or more persons jointly give in  
his or their lifetime, or bequeath by his or their wills, or by  
other instrument or instruments in writing provide for the Founders  
when to be  
known as.  
payment after his or their decease of a sum of not less than  
ten thousand dollars to the corporation for the purposes of the  
Hospital in the name of a person other than himself or of any  
of themselves, whether such other person be living or deceased  
at the time such gift, bequest or payment comes into effect,  
such other person in whose name said money is so donated as  
aforesaid shall upon the receipt of such money by the corpora-  
tion be called and known as a founder of the Hospital, and  
subsection 3 of this section shall apply to such person.

2b.

Life Governor  
who to be.

2b. Every person who, as in the next preceding subsection hereof is provided, gives in his lifetime, or bequeaths by his will, or by other instrument in writing provides for the payment after his decease of any sum of money not less than ten thousand dollars in the name of any person other than himself to the corporation as aforesaid, shall, if such money is received by the corporation in the lifetime of such donor be himself upon the receipt of said money by the corporation a Life Governor of the corporation under this Act, or if he so desires he may in his place by any instrument in writing name any other person to be such Life Governor of the corporation in virtue of such donation, and such donor may also by his will or other instrument in writing appoint any person to be a Life Governor in succession to himself or to such other person so named by him as aforesaid as the case may be, and in like manner may appoint a succession of persons to hold office as such Life Governor in virtue of such donation, and such donor or other person or persons from time to time so named or appointed as such Life Governor in virtue of such donation, as the case may be as aforesaid, shall from the time such nomination or appointment takes effect, be and have all the rights of a Life Governor under this Act, but there shall never at any one time be more than one Life Governor holding office as such in virtue of such donation.

Joint appoint-  
ment of life  
governors.

2c. If any such donation of at least ten thousand dollars be given, bequeathed, or the payment thereof be provided for, by two or more persons jointly as in subsection 2a of the said section is mentioned, the said two or more persons or a majority of them may jointly by one or more instruments in writing name one of themselves or any other person to be a Life Governor of the corporation in virtue of such joint donation, and may by the same or any other one or more instruments in writing jointly appoint one of themselves in succession to such one of themselves or to such other person as has been already named as Life Governor as aforesaid in virtue of such donation and in like manner may name a succession of persons to hold such office of Life Governor in virtue of such donation, and such one of such joint donors or other person or persons from time to time so named or appointed as such Life Governors in virtue of such donation as the case may be as aforesaid shall from the time such nomination or appointment takes effect be and have all the rights of a Life Governor under this Act, but there shall never at any one time be more than one Life Governor holding office as such in virtue of said donation.

60 V. c. c. 104,  
s. 7, s<sup>ss</sup>. 3,  
amended.

2. Subsection 3 of section 7 of said Act of incorporation is hereby amended by adding after the word "him" in the 5th line, the words "or in his name," and after the word "by" in the 11th line of said subsection the words "or in the name of."



## CHAPTER 118.

An Act to incorporate the Western Hospital of  
Toronto.*Assented to 1st April. 1899.*

**W**HEREAS A. M. Cosby, E. F. Clarke, Thomas Crawford, Preamble.  
James Scott, D. W. Alexander, W. R. Riddell, G. H.  
Carveth, J. Spence, J. B. Gullen, J. Ferguson, J. McCullough,  
and Price Brown have by their petition represented that in the  
west end of the City of Toronto in the year 1895 there was estab-  
lished according to by-laws governing such institutions a hospital  
entitled "The Toronto Western Hospital," and that the society  
establishing the said hospital was composed of gentlemen each  
subscribing the sum of \$100 towards its maintenance, and that a  
board of twelve trustees was duly elected by the society to con-  
trol the finances and the general business of the said hospital,  
and that the said board of trustees duly appointed a large and  
efficient staff of physicians and surgeons to attend to the re-  
quirements of patients admitted to the hospital, and to the  
out-door departments thereof, the appointment of said staff of  
physicians and surgeons being fixed by special by-law, and that  
these various regulations and appointments, were in accordance  
with the rules and by-laws governing public hospitals and en-  
titled them to the financial support by a per capita rate of the  
City of Toronto and the Government of Ontario, and that the  
said hospital since its inauguration has had a constantly in-  
creasing number of patients until the wards are practically  
now filled, whilst many persons are seeking admittance for  
whom accommodation cannot be found; and whereas the said  
persons have by their petition prayed for the passing of an  
Act incorporating The Toronto Western Hospital with all the

powers and privileges usually accorded to such institutions ; and whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

**Incorporation.** 1. The said petitioners and others are hereby constituted a body corporate and politic under the name of The Toronto Western Hospital and by that name shall have perpetual succession, and a common seal and may under that name sue and be sued and shall have all the other powers and privileges hereinafter mentioned, and also all the other powers, privileges and immunities vested by law in corporations necessary or proper for the carrying out of the objects of incorporation.

**Who may be members.** 2. The said corporation of The Toronto Western Hospital hereinafter called "the corporation" shall be composed of all members who have heretofore subscribed \$100 towards the maintenance of the said hospital or shall in the future subscribe \$100 or more towards its support.

**Provisional governors.** 3. The corporation shall assign the control and management of the hospital to a board of governors to be elected or appointed as hereinafter provided, and the said A. M. Cosby, E. F. Clarke, Thomas Crawford, James Scott, D. W. Alexander, W. R. Riddell, G. H. Carveth, J. Spence, J. B. Gullen, J. Ferguson, J. McCullough and Price Brown, the present board of trustees of The Toronto Western Hospital, shall remain in office as provisional governors until their successors are duly and legally decided upon and the said provisional governors shall be eligible for re-election.

**Head office.** 4. The head office of the corporation shall be in the City of Toronto.

**Life members** 5. Every person who shall give to the corporation for the purpose of the hospital a sum of one thousand dollars or upwards, shall thereby become a life member of the board of governors and be eligible for any of the elective offices of the board of governors.

**Patrons.** 6. Any person giving the sum of \$5,000 or upwards to the Corporation, shall not only become thereby a life member of the board of governors, but shall also be styled a patron of the hospital ; and in the event of his or her death a suitable tablet shall be erected within the hospital dedicated to his or her memory.

**Governors. ]** 7. The corporation at each and every annual meeting shall elect twelve governors, other than those then already occupying

ing the position of life members by virtue of sections 5 and 6 of this Act, to be governors of the hospital, the said governors to retain the position for one year and to be eligible for re-election.

8. The corporation may establish and maintain in the city of Toronto a public general hospital to be called "The Toronto Western Hospital," for the treatment and care of sick and injured persons, and for that purpose may acquire by purchase or otherwise and may hold and again dispose of any such property, real or personal, as may be necessary or desirable for the purposes of the corporation and may erect, furnish and equip such buildings as are considered necessary for its purposes.

Objects of corporation.

9. The corporation may obtain subscriptions and take all gifts, legacies and bequests of money or other personalty and may in addition to such lands as may be required for the carrying out of the objects of this Act take by gift, devise or bequest lands, tenements or hereditaments or any interest therein, the annual value of which together with all other lands, tenements or hereditaments or any interest therein theretofore acquired by like means and then held by the corporation, shall not exceed in the whole twenty thousand dollars, but the lands, tenements or hereditaments other than those required for the carrying out of the objects of this Act, shall not be held for a longer period than seven years from the acquisition thereof and within that period they shall be absolutely disposed of by the said corporation, and any such lands, tenements or hereditaments as have not within the said period been so disposed of shall revert to the person from whom the same were acquired, his heirs, executors, administrators or assigns, and all monies, the proceeds of sales of any such lands or other property and all or any part of the moneys derived therefrom or from any other source, may be invested from time to time in mortgage securities upon real estate whether freehold or leasehold, in municipal debentures, or the debentures of any society or company or in any other kind of security in which under the provisions of chapter 130 of the Revised Statutes of the Province of Ontario or under any Act in amendment thereof, a trustee may invest trust money.

Receiving gifts of real and personal property.

10.—(1). The corporation may sell, convey, lease or otherwise dispose of from time to time any of its lands or other property acquired by it and invest the proceeds or revenue as aforesaid in any of the classes of security referred to in the next preceding section hereof or apply the same otherwise for the purposes of the corporation.

Sell lands and invest proceeds.

(2) The corporation may borrow or raise money for the purposes of the corporation by mortgage upon its property or any part thereof or by the issue of bonds or debentures of the corporation payable at such times and for such amounts and a

Authority to issue debentures.



such rate of interest as may be considered advisable and may secure such bonds by deed of mortgage upon its property or any part thereof or otherwise and the corporation may become a party to promissory notes and bills of exchange for the purposes of the corporation for such amounts as may be considered necessary or advisable by the board of governors.

Negotiable  
instruments.

(3) Every such promissory note or bill made, drawn or endorsed by the president or vice-president as such officer, and countersigned by the secretary as such officer, shall, without the corporate seal, be binding upon the corporation, and every deed or other document to which the corporation is a party and to which the corporate seal of the corporation is attached and which is signed by the president or vice-president and countersigned by the secretary as such officers respectively, shall be binding upon the corporation.

Nationality  
and creed not  
a bar.

11. No one shall ever, at any time, on account only of his nationality or the religious creed or sect to which he belongs, be disqualified from being a governor of, or from taking part or having a voice in or a vote as to the government or management of the corporation or of the said hospital, or from being a member of the medical board hereinafter mentioned, or otherwise an officer or employee of or connected professionally or otherwise with the corporation of the said hospital, or from being admitted as a patient into or from being treated in said hospital.

Management.

12. The affairs of the corporation shall, subject to the provisions hereinafter contained as to the powers, authority and duties of the medical board, be managed and controlled by the board of governors hereinbefore mentioned.

Election of  
governors.

13. At an early date after the passing of this Act, a meeting of the corporation shall be called for the election of a board of governors as hereinbefore provided for, at which meeting ten shall form a quorum:

Medical  
Board.

14. There shall, for the purposes of the hospital, be a medical board consisting of not less than ten physicians and surgeons who shall be duly registered medical practitioners of the Province of Ontario, and such medical board shall have, subject to the provisions hereinafter contained, the sole right of electing additional members to the medical board, and also of electing successors to any vacancies which may take place on the staff; and shall also have sole charge and control, subject to the provisions of this Act, of the medical and surgical affairs of the hospital, in so far as the admission of patients into the hospital, their medical and surgical treatment there and their discharge from the hospital are concerned.



**15** The following named persons, that is to say, Drs. S. T. Barton, Price Brown, G. H. Carveth, J. H. Cotton, E. Clouse, A. Davidson, F. J. Dawson, L. Davis, J. Ferguson, H. P. H. Galloway, J. B. Gullen, J. M. Hart, J. S. Hart, S. M. Hay, J. Hunter, A. A. Macdonald, J. McCullough, William Nattress, L. L. Palmer, J. Spence, R. A. Stevenson, J. A. Watson, T. S. Webster and W. J. Wilson and their duly elected and appointed successors and any additional members (if any) to be hereafter elected or appointed to the medical board, shall constitute the medical board of the hospital.

Members of  
Medical  
Board.

**16.** The said named members of the medical board and their successors and any additional members, if any, that may be appointed as aforesaid and their successors, shall each hold their positions on said board until they vacate the same by death or resignation or by their absence from the hospital for one year without permission of the medical board (which shall of itself vacate such position), or by their removal from office as hereinafter provided, and in the event of such vacancy from any cause, the medical board shall forthwith, at a meeting thereof regularly held, elect a successor to fill the vacancy thus created, and as to any additional members to be added their election shall be in accordance with the rules laid down by and governing the medical board.

Term of office

**17.** If any member of the medical board is guilty of unprofessional conduct as laid down in such code of ethics as may from year to year be adopted by the medical board, or is guilty of such infamous conduct as to destroy his usefulness as a member of such board, or thereby to imperil the reputation and good name of the hospital, he may, on the recommendation to that effect of the medical board, be dismissed from such office by the board of governors.

Dismissal  
from office.

**18.** There shall be held once in each year on such date not later than the day following the date of the annual meeting of the corporation, and upon such notice and called in such manner as shall be fixed by by-law of the board of governors, a meeting of the said medical board to be called the "annual meeting," and the said board shall also hold such other meetings, regular or special, as they think proper.

Annual  
Meeting.

**19.** At the first meeting of the medical board provided for in section 15 of this Act, there shall be elected by the said board, by and from amongst the members of said board, a dean and a secretary who shall hold office respectively until the first annual meeting of said board, and at each annual meeting there shall in like manner be elected from amongst the members of the said board, a chairman and a secretary, who shall hold office as such until the next annual meeting.

Dean, secre-  
tary and  
chairman.

**Record of  
Medical  
Board.**

**20.** The medical board shall keep a record of their proceedings, and shall make such rules and regulations, and may from time to time change the same as may be necessary for the calling and holding of their meetings, except the annual meeting, for prescribing the duties of the medical staff, of the medical superintendent or other like officer, and of the other medical officers, and as to the medical and surgical affairs of the hospital and the carrying out of the other duties and functions of the medical board under this Act.

**Regulations  
of medical  
board.**

**21.** The medical board shall adopt such rules and regulations and change the same from time to time as they may deem best for the purpose of regulating the nursing in the hospital, for assigning the duties and hours of service of the nurses, and for suspension of any nurse who has been derelict in her duties or has been guilty of such cause of suspension as may be laid down in the said rules.

**Maintenance  
of laboratories  
or museums.**

**22.** The medical board may also make and change from time to time rules and regulations for the efficient maintenance, conduct and management of such chemical, pathological and anatomical laboratories or museums as they may determine to establish for the purpose of carrying out such experiments and providing such demonstration as they may deem advisable for the efficient investigation of the scientific aspects of medical subjects, and may also give bed-side and other instruction and demonstration to such persons as may in the opinion of the medical board derive benefit from the same.

**Admission of  
students.**

**23.** The medical board may also make and change from time to time such rules and regulations for the admission of and may admit students of medicine into the wards of the hospital as and upon such terms as the medical board may deem advisable, and the said board may frame a tariff of fees to be payable by such students for the privilege of attending the wards of the hospital and such students' fees shall be collected and paid to the treasurer of the corporation for its uses.

**Outdoor de-  
partment.**

**24.** The medical board may adopt and change from time to time rules and regulations for the carrying on of an outdoor department or departments of the hospital in which may be treated such indigent poor as may be unable to secure medical or surgical treatment and medicine other than in a free dispensary or hospital.

**Attending and  
consulting  
staff.**

**25.** The medical board may also provide for the division of the medical board into two branches to be called "The Attending Staff" and "The Consulting Staff" respectively, and may from time to time make and change such rules and regulations as to the appointment or assignment of members to the said respective staffs as the medical board may deem advisable

visible and may also at any time put an end to any such division if they see fit to do so.

**26.** The corporation may establish and maintain in connection with the hospital a training school for nurses whereby nurses may receive a thorough training and be given a diploma upon completing the curriculum and passing the medical and nursing examinations required, and may also establish and maintain a home for nurses whereby nurses who have been properly trained may be supplied to private families in the City of Toronto and elsewhere. Training school for nurses.

**27.** The corporation may also establish and maintain according to rules adopted by the medical board a maternity hospital for the purpose of taking care of maternity patients. Maternity hospital.

**28.** The board of trustees may appoint a ladies' auxiliary board to aid in the internal management and arrangement of the hospital. Their actions to be subject to the approval of the trustee board. Ladies' auxiliary.

**29.** There shall be presented at each annual meeting of the corporation a report as to the financial position of the corporation and as to the affairs of the hospital and the work done by it during the previous year. Annual financial report.

## CHAPTER 119.

An Act to authorize the Law Society of Upper Canada to admit George Macgregor Gardner to practise as a Solicitor.

*Assented to 1st April, 1899.*

## Preamble

WHEREAS George Macgregor Gardner, of the City of Toronto, in the County of York, Gentleman, has, by his petition, represented that he was in or about the month of May, 1865, apprenticed to a writer and notary public in Scotland for a period of five years; that he duly served the said apprenticeship, and that during the said apprenticeship he attended the law course of the University of the City of Glasgow; that on or about the 20th day of July, 1871, he was admitted to practise in Scotland the profession of writer and notary public, and thereafter practised in the Courts at Glasgow as such writer and as a notary public; and that he served as a clerk in the offices of solicitors in the Province of Ontario during the years 1883, 1884 and 1885, and that he has been since the 13th day of March, 1887, a notary public for the Province of Ontario; that he has during the time aforesaid acquired such experience and knowledge as should entitle him to be admitted as a solicitor of the Supreme Court of Judicature for Ontario; and whereas the said George Macgregor Gardner has petitioned that an Act may be passed to authorize the Law Society of Upper Canada to admit him to practise in the said court as a solicitor; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—



1. It shall and may be lawful for the Law Society of Upper Canada at any time hereafter to admit the said George Macgregor Gardner to practise as a solicitor in the said court on his paying the proper fee in that behalf, and on passing such examination as may be prescribed by the said Society, and without complying with any other requirements of the law, or any other rules or regulations of the said Society in that behalf.

George M. Gardner to be admitted to practice.

## CHAPTER 120.

An Act to amend the Act to enable Edward Spencer Jenison to develop and improve a Water Privilege on the Kaministiquia River and extend the provisions thereof.

*Assented to 1st April, 1899.*

## Preamble.

WHEREAS by an Act passed in the 60th year of Her Majesty's reign and chaptered 106, certain powers were granted to Edward Spencer Jenison for the purposes and on the terms and conditions therein set forth; and whereas the said Edward Spencer Jenison by his petition has represented that pursuant to the said Act the Official Arbitrator for the City of Toronto has awarded and determined that power sufficient to supply the requirements mentioned in section 16 of the said Act cannot be supplied by the said Jenison by the construction of electric works at or near Ecarte Rapids on the Kaministiquia River, as in the said section provided, and has further determined and fixed at 4,000 cubic feet per minute the minimum quantity of water which shall at all times flow over Kakabeka Falls on the said river; and whereas as the said Edward Spencer Jenison is by the said Act and the said award authorized and empowered to divert from the channel of the said river such part of the waters thereof as may from time to time exceed the said quantity, and it is represented that if the waters to be so diverted are conducted to a point in the Township of McIntyre, in the District of Thunder Bay, near the Towns of Port Arthur and Fort William, they can there be economically utilized to provide a gravitation system of water supply for the said towns and can by means of the greater head there obtainable be also utilized to greater advantage

advantage for the production of power; and whereas the said Edward Spencer Jenison by the said petition has prayed that an Act may be passed to enable him to carry out the work, and to enable him and the corporations of the said towns to enter into the agreements hereinafter mentioned; and whereas by-laws authorizing the corporations of the said towns to enter into agreements to take and utilize part of the said water and power supply have been read a first and second time and received the assent of the majority of the ratepayers of the said towns who voted thereon on the 2nd day of January, 1899, and the by-law of the Town of Fort William entitled "A by-law respecting waterworks, electric lighting and power and other services for municipal purposes" and numbered 195 was read a third time and finally passed on the 17th day of January, 1899, and the by-law of the Corporation of the Town of Port Arthur entitled "A by-law respecting waterworks, electric lighting and power and other services for municipal purposes" and numbered 526 was read a third time and finally passed on the 25th day of January, 1899, and in order to remove all doubts as to the validity of the said by-laws and agreements it is expedient to confirm the same and the corporations of the said towns approve of the said petition, and it will conduce to the public good and is proper and just under all the circumstances of the case to grant the prayer of the said petition;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

1. The powers conferred upon the said Edward Spencer Jenison by the said Act passed in the 60th year of Her Majesty's reign, chaptered 106, for the purposes therein set forth are hereby extended to and made applicable to the works hereinafter set forth, and the several clauses of the said Act conferring such powers are hereby incorporated with and made part of this Act, except only in so far as they may be inconsistent with the express enactments hereof.

Incorporation of provisions of 60 Vict. c. 106 with this Act.

2. It shall be lawful for the said Edward Spencer Jenison and he is hereby authorized and empowered, to convey and conduct such part of the waters of the Kaministiquia River as may from time to time exceed four thousand cubic feet per minute, from the channel of the said river opposite the westerly part of lot number 19 in the second concession of the Township of Oliver, through the Townships of Oliver, Paipoonge, Neebing, and McIntyre, and the Towns of Port Arthur and Fort William to Thunder Bay, Lake Superior, by means of a trench, canal, pipes, conduits, channels, reservoirs and raceways, and for the purpose of so doing to make and construct the requisite works across, under and over any railway, tramway, stream, water-course or highway which it may be necessary to intersect or

Authority to divert waters of the river into canal.

touch

touch, and through, over, under and across any lands of which he may from time to time be the owner or which he may from time to time acquire from the owners thereof, and through, over, under and across such lands as he may be authorized to take, acquire, hold and use in the manner hereinafter set forth; provided, however, that the provisions of this section shall be deemed to apply only so far as the jurisdiction of the Legislative Assembly of the Province of Ontario extends.

Authority to  
divert waters  
of streams  
that canal  
crosses.

3. It shall be lawful for the said Edward Spencer Jenison, and he is hereby authorized and empowered, to intercept and divert into the said canal, trench, pipes, conduits, channel, reservoirs and raceways any and all streams and watercourses that may be crossed by the said canal, trench, pipes, conduits, channels, reservoirs and raceways; provided, however, that after so doing he shall at all times permit and allow to flow from the said canal, trench, pipes, conduits, channels, reservoirs and raceways into the present natural channels of such intercepted streams and watercourses an amount of water that shall not be less than their present flow in seasons of low water provided, however, that in the case of any power on any intercepted stream or water course being interfered with, the owner thereof shall be entitled to compensation to be determined as hereinafter provided.

Authority to  
make dams.

4. It shall be lawful for the said Edward Spencer Jenison, and he is hereby authorized and empowered to make and maintain dams and embankments, and to construct and maintain storage ponds and reservoirs and settling basins along the line of the said proposed canal, trench, pipes, conduits, channel and raceways, and to enlarge by widening and deepening the channels of any existing streams along the line of said tail races, and generally to construct, maintain and operate all the works mentioned in the agreements contained in Schedules A and B to this Act and necessary to carry out and comply with the terms and provisions thereof.

Authority to  
expropriate  
lands.

5. It shall be lawful for the said Edward Spencer Jenison and he is hereby authorized and empowered, from time to time, to enter upon, take possession of, acquire, hold and use such lands in the said townships and towns as may be necessary for the reasonable and economical construction, maintenance and operation of the said canal, trench, pipes, conduits, channels, raceways, ponds, reservoirs, basins, and other works whether as a site for the said works or any of them or for the purpose of obtaining therefrom stone, gravel, earth, sand and other materials required for the construction and maintenance of any of the said works; but the said Edward Spencer Jenison shall make full compensation for all lands so taken without the consent of the owners and the damages incidental to the taking thereof; and shall also make full



full compensation to the owners, occupiers or other persons interested in any lands that may be injuriously affected by the exercise of any of the additional powers conferred by this Act for any damages to said lands or estate or interest therein or rights or easements affecting the same resulting from the exercise of such additional powers.

(2) In determining the amount of the compensation for the lands of the said Jenison now located and occupied as right of way by the Ontario and Rainy River Railway Company (and damages, if any, arising by reason of said railway or the location and running thereof), the same shall be ascertained and fixed on the same basis as if this Act had not been passed and shall in no way be affected by the passing of this Act. Provided that the third arbitrator provided for by section 20 of *The Railway Act* shall in this case be the Official Arbitrator appointed under the provisions of the Act chaptered 227 of the Revised Statutes of Ontario, 1897.

6. The compensation to be paid as aforesaid shall be ascertained and determined in the manner provided by section 20 of *The Railway Act of Ontario*, all the provisions of which section are hereby incorporated with and made part of this Act; and the said Edward Spencer Jenison shall have the right for the purpose of constructing, maintaining and operating the said works to exercise the powers conferred by the said section 20 upon any railway company to which the provisions of the said section may be applicable, and he shall be subject to all the liabilities imposed by the said section upon any such company and generally the several sub-sections of the said section 20 shall be read as part of this Act with the several amendments necessary to make the same applicable to the said Edward Spencer Jenison and the said works instead of to a railway company or its railway.

Manner of ascertaining compensation.

Rev. Stat. c. 207.

7. The said by-law of the Corporation of the Town of Fort William entitled "A by-law respecting waterworks, electric lighting and power and other services for municipal purposes," and being By-law No. 195 (as set forth in Schedule A hereto), is hereby legalized and confirmed; and the council of the said corporation is hereby declared to have full power and authority to enter into the agreement in the said by-law referred to and contained in the said Schedule A hereto; and the said agreement shall be valid and binding in all respects upon the parties thereto and upon all other parties interested therein, notwithstanding anything to the contrary in *The Municipal Act* contained.

By-law of Fort William confirmed.

Rev. Stat. c. 223.

8. The said by-law of the Corporation of the Town of Port Arthur entitled "A by-law respecting waterworks, electric lighting and power and other services for municipal purposes," and being By-law No. 526 (as set forth in Schedule B hereto), is hereby legalized and confirmed, and the council of the

By-law of Port Arthur confirmed.]

Rev. Stat.  
c. 223.

Arbitration  
in case of  
disputes.

Right of  
towns to pro-  
duce electrical  
power, etc.

Indemnifica-  
tion of corpora-  
tions against  
damages  
caused by  
works.

Act to bind  
representa-  
tives of  
Jenison.

Right of  
towns to take  
over the  
works.

the said corporation is hereby declared to have full power and authority to enter into the agreement in the said by-law referred to (and contained in the said Schedule B hereto); and the said agreement shall be valid and binding in all respects upon the parties thereto and upon all other parties interested therein, notwithstanding anything to the contrary in *The Municipal Act* contained.

9. In the event of any difference arising as to the construction of the said agreements, or as to any matter or thing to be done or performed under their terms, such difference shall be determined, if either of the said corporations so require, by arbitrators to be appointed under and as provided by the terms of *The Municipal Act*.

10. Notwithstanding any provision contained in the said agreements, the corporations of the Town of Port Arthur and Fort William shall have the right to develop and produce electrical and other power, and may use, sell and lease the power so produced for any purposes whatsoever.

11. The said Edward Spencer Jenison shall indemnify and save harmless the said corporations at all times from all loss, damage, costs, charges and expenses of every nature and kind whatsoever which the corporations may incur, be put to or have to pay by reason of the exercise by the said Edward Spencer Jenison of the powers conferred by this Act or by the said agreements, or any of them, or by reason of neglect by the said Edward Spencer Jenison in the execution of the said works, or any of them, or by reason of the improper or imperfect execution of the works or any of them, or by reason of the said works becoming unsafe or out of repair, or by reason of the neglect, failure or omission of the said Edward Spencer Jenison to do or permit anything herein agreed to be done or permitted, or by reason of any act, default or omission of the said Edward Spencer Jenison or otherwise howsoever, and should the corporations, or either of them, incur, pay or be put to any such loss, damage, costs, charges or expenses, the said Edward Spencer Jenison shall forthwith upon demand repay the same to the corporations.

12. All the provisions of this Act, and of the said agreement, shall be binding upon the executors, administrators and assigns of the said Edward Spencer Jenison, and upon any bondholders, liquidator, receiver, corporation or person who may hereafter control or manage the said works, and all such persons and corporations shall at all times be bound to carry out the stipulations and provisions of this Act and of the said agreements.

13. In the event of the said Jenison at any time ceasing to operate the said works so as to fully comply with the terms of the said agreements, then the corporations of the Towns of Port Arthur

Arthur and Fort William, or either of them, may, after thirty days' notice requiring the said Jenison to comply with the said agreements and his failure to do so, take over such of the said works and supply of water as may be necessary to fulfil all the conditions of the said agreements, at a value to be determined by arbitration under the provisions of *The Municipal Act*; and in the event of any differences at any time arising between the corporations of the Towns of Port Arthur and Fort William as to any matter or thing to be done in taking such proceedings, or as to the manner of dealing with or the management of the said works and supply of water so taken over such differences as they from time to time arise shall be determined by arbitration under the provisions of *The Municipal Act*, or, if the parties so agree, by the Official Arbitrator of the City of Toronto, whose decision shall be final and without appeal.

14. The said Edward Spencer Jenison, and his assigns and his customers and lessees shall not have the right to sell, lease or otherwise dispose of or supply electric light or water or power to generate electric light for any municipal, domestic or commercial purposes in the municipalities of Fort William and Port Arthur during the existence of the said agreements.

Jenison not to sell or lease water, light or power while agreement extends.

15. Notwithstanding anything to the contrary in the agreements to the schedules to this Act contained, the only exemption from taxes in either of the municipalities of Fort William or Port Arthur shall be of the works to be constructed by the said Edward Spencer Jenison under the agreements to the schedules to this Act which are necessary for the development and distribution in the said municipalities of power and light.

Exemption of works from taxation.

16. The construction of the said works shall be commenced within a period of six months from the passing of this Act and shall be completed within three years from the time fixed as aforesaid for commencement or within such further time as may be granted by the Lieutenant-Governor in Council, so as to have ready and available for use hydraulic capacity for at least ten thousand horse power.

Time for commencement and completion.

## SCHEDULE A.

### TOWN OF FORT WILLIAM.—No. 195.

#### A By-law Respecting Waterworks, Electric Lighting and Power and Other Services for Municipal Purposes.

The council of the corporation of the Town of Fort William enacts as follows :

1. The mayor and clerk are authorized and empowered on behalf of this corporation to execute the agreement between the corporation of the Town of Fort William and Edward Spencer Jenison, a draft of which is hereunto attached, marked as "Schedule A" to this by-law, and which

schedule







1. The contractor shall and will, subject to the conditions hereinafter mentioned, within three years from the first day of January, 1899, construct and complete or cause to be constructed and completed, the works necessary to furnish and supply to the corporation a water supply sufficient and ample in all respects to meet the requirements of the corporation from time to time for all municipal and domestic purposes, and to supply seven hundred and fifty (750) horse power of electric power or energy to operate the lighting and heating systems owned and operated by the corporation (including both alternating and direct currents suited to the lighting systems now in use or that may hereafter be in use in the said town) and for the other purposes hereinafter set forth ; and further, the contractor shall within the said period provide a water supply on the high lands adjacent to the said Town of Fort William sufficient to produce ten thousand horse power.

2. The said water supply shall be drawn from the Kaministiquia river at a point above the falls known as Kakabeka Falls, and from the streams and creeks between the said points and the town of Fort William, and shall be free from such impurities as will unfit it for domestic use according to the certificate of the analyst of the Dominion Government, and the said water supply, as well as the electric current for the said seven hundred and fifty horse power, shall be delivered and supplied to the corporation at the northwest corner of Lot Number Five in the Fourth Concession in the township of Neebing (now part of the said town of Fort William.)

3. The water to be so supplied now or at any future time shall be delivered in such a manner that it shall have a head of not less than two hundred and fifty to three hundred feet above the level of Lake Superior available for use, and shall be delivered to the point above named through a pipe one size larger than the corporation uses to take the water away therefrom.

4. The quantity of the said water supply is not, except upon the terms and conditions hereinafter set forth, to exceed two hundred and fifty millions (250,000,000) of gallons per year, and the electric power or energy to be supplied as aforesaid is not, except upon the terms and conditions hereinafter set forth, to exceed seven hundred and fifty (750) horse power.

5. The corporation shall have the right to make use of the water to be so supplied as aforesaid as well as of the additional quantity to be supplied on the terms and conditions hereinafter contained for all the said municipal and domestic purposes, which are hereby declared to include the furnishing of a water supply to any railway company doing business in the said town of Fort William ; provided, however, and it is hereby expressly stipulated and agreed, that the corporation shall not take, and the contractor shall not be bound to supply or deliver, any water to be used by the corporation for the purpose of making power or energy of any kind for any purpose, or any water to be sold, disposed of, furnished or delivered to customers or consumers for use in the manufacture of power or energy of any kind or for any other hydraulic or manufacturing purpose.

6. The corporation shall have the right to make use of the said seven hundred and fifty horse power of electric power or energy as well as of the additional power or energy to be supplied on the terms and conditions hereinafter contained during the whole twenty-four hours of every day for all municipal purposes for which such power or energy may be required by the corporation, including the operation of the lighting and heating systems owned by it so long as the same shall continue to be owned by the corporation, but no longer ; and it is hereby expressly stipulated and agreed that the corporation shall not take, and the contractor shall not be bound to supply or deliver, any electric power or energy to be used by the corporation for any other purpose than those hereinbefore mentioned, except as set forth in paragraph number seven (7) of this agreement.

7. During a term of five years commencing from the completion of the said works, but no longer, the corporation shall have the right to sell, lease or otherwise dispose of to consumers or customers other than the Canadian Pacific Railway Company, within the said town of Fort William, any surplus power or energy supplied to it as aforesaid, over and above that which may be required by the corporation to properly and efficiently operate its electric lighting and heating systems and fully supply the demands and requirements of the public in respect thereof; and further, after the expiration of the said term of five years, when the right of the corporation to sell, lease or otherwise dispose of surplus power or energy as aforesaid shall have ceased, the corporation shall have the right from time to time to alter the respective quantities of water and of electric power or energy to be supplied to it as aforesaid by exchanging the surplus water, to which it may from time to time be entitled as aforesaid, over and above its requirements, for electric power or energy, or by exchanging for water the surplus electric power or energy to which it may from time to time be entitled as aforesaid, over and above its said requirements; and such exchanges, if any, shall be effected on the basis of each single horse power of electric power or energy being equal in value to one million gallons of water; provided, however, that before effecting any such exchange, the corporation shall give to the contractor twenty days' notice in writing of its desire to do so and of the respective amounts of water and of power or energy required by it, and that such notice shall be binding and conclusive as to the respective amounts of water and of power or energy to be thereafter delivered.

8. Before the completion of the said works the contractor shall give to the corporation notice in writing specifying the date at which he expects to have the same completed and ready for occupation, and such notice, if given between the first day of November in any year and the first day of May next ensuing, shall be for a period of six months commencing from such first day of May, and if given between the first day of May in any year and the first day of November next ensuing, it shall be for a period of twelve months commencing from the said first day of November, but no penalty or damages shall be recoverable from the contractor for failure to complete the said works according to or at the time named in such notice, and the parties hereto may by mutual agreement change and alter the stipulations and agreements contained in this paragraph as to such notice.

9. Upon the completion of the works necessary to provide the said water and power supply, and from and after the date of such completion, and yearly and every year thereafter during the currency of this agreement, the corporation shall pay to the contractor, his heirs, executors, administrators or assigns, the sum of ten thousand dollars (\$10,000) per year in four equal quarterly payments of two thousand five hundred dollars (\$2,500) each, the first of which shall become due and be paid at the expiration of three months from the completion of the said works and the completion of the term of notice to the corporation hereinbefore provided for, and the subsequent payments of which shall become due and be paid at the expiration of each and every period of three months next ensuing after the date fixed as aforesaid for the said first payment; provided, however, that if after making due efforts the corporation shall upon the completion of said works be unable to receive the said water and power supply then the corporation shall not until it shall be in a position to receive the same be called upon to commence making the said payments before the expiration of the time within which the contractor is hereby bound as aforesaid to complete his said works.

10. The contractor shall furnish and deliver to the corporation from time to time all the water required by it for the purposes for which water is to be supplied to it as aforesaid, over and above the said quantity of two hundred and fifty millions of gallons per year, and also all the electric power or energy required to operate its electric lighting and heating systems

systems and for all the other purposes hereinbefore mentioned over and above the said seven hundred and fifty horse power to the full extent of the capacity of the works which the contractor is now, or shall hereafter be, authorized and empowered to construct and shall from time to time and at all times, upon receipt of proper and reasonable notice of the corporation's increased requirements of water or electric power or energy, and so far as he is authorized to do so, construct the works necessary to meet such additional requirements, and the corporation shall have the right from time to time and at all times to take and use the water and electric power or energy required by it for any of the purposes for which water and electric power or energy are to be supplied to it as aforesaid, to the full extent of the capacity of the contractor's works, provided, however, that the agreements and stipulations contained in this paragraph shall be subject to the terms and conditions set forth in paragraphs number eleven (11) twelve (12) and thirteen (13) of this agreement.

11. When and as often as the quantity of water supplied and delivered to the corporation as aforesaid shall exceed sixty-two million five hundred thousand (62,500,000) gallons for any of the said periods of three months, the corporation shall pay to the contractor, his heirs, executors, administrators or assigns, one cent for each one thousand gallons of such excess, and the same shall become due and be paid quarterly on the second of the said quarter days next ensuing after the completion of the period of three months during which such excess may occur; provided, however, that if at the end of any year (to be reckoned from the date of the completion of the said works as aforesaid or some date to be mutually agreed upon between the parties hereto) the amount of water supplied during such year to the corporation shall not have exceeded two hundred and fifty millions of gallons altogether, the corporation shall have the right to deduct from the last of its payments for such year any sum or sums which it may have already paid for water supplied to it in any three months of such year in excess of sixty-two million five hundred thousand (62,500,000) gallons.

12. When and as often as the amount of electric power or energy supplied and delivered to and taken by the corporation as aforesaid shall exceed seven hundred and fifty horse power, the corporation shall pay to the contractor, his heirs, executors, administrators or assigns, the sum of twenty-five (\$25.00) dollars per year for each horse power of such excess, and the same shall become due and be paid quarterly on the second of the said quarter days next ensuing after the completion of the period of three months during which such excess may occur.

13. The Contractor shall not be obliged or compelled, notwithstanding anything contained in paragraph number ten (10) hereof, to supply or deliver to the corporation any quantity of water in excess of the said quantity of two hundred and fifty millions of gallons per year, or any amount of electric power, or energy in excess of seven hundred and fifty horse power, except to the extent to which the contractor can supply and deliver such excess, after supplying and delivering to other customers or consumers with whom he may from time to time have contracts or agreements, the water or power required by them under such contracts or agreements for manufacturing, hydraulic or other purposes for which the contractors shall have authority to supply or deliver water or power or energy; but the contractor shall not at any time after the receipt of notice of the corporation's increased requirements of water or power, as provided in paragraph number ten (10) hereof, make or enter into any new contract or agreement with any consumer or customer for the supply or delivery of either water or power, if the fulfilment of such contract or agreement may prevent the contractor from supplying and delivering to the corporation the additional amounts of water or power required by it under paragraph number ten (10) hereof.

14. Should the payments or any part of the payments to be made under this agreement remain overdue and unpaid for a period of ninety (90)

days



days from the days and times on which they shall respectively become due and payable, the contractor shall thereupon be at liberty to shut off the supply of water and electric power or energy contemplated by this agreement and cease to supply and deliver any water or electric power or energy or either of them to the Corporation until all moneys due under this agreement shall have been fully paid and satisfied.

15. The contractor shall be considered to have supplied to the corporation, and the corporation shall be considered to have supplied to customers or consumers, electric power or energy to the full capacity of any motor or other appliance or set of appliances with which either the contractor or the corporation may connect a conductor of electric power or energy when and so long as the electric current supplied to such conductor is of sufficient capacity to operate such motor or other appliance or set of appliances, whether the same be used during only part or the whole of the time thereafter, but no extra charge for power shall be made to the corporation until the gross amount of electric power or energy supplied to the different motors or other appliances of the corporation or its customers or consumers shall exceed seven hundred and fifty horse power.

16. The contractor shall have the right to sell, lease or otherwise dispose of and to deliver water derived from the sources above named for manufacturing or hydraulic purposes of all kinds, and for all other purposes for which water is not to be supplied to the corporation as aforesaid within the limits of the said Town of Fort William, and also to sell, lease or otherwise dispose of and to deliver mechanical, electrical and hydraulic power and energy, electricity, compressed air, and power and energy in any other more condensed form derived from the sources above named that may from time to time be in use, and for the purpose of so doing to convey and conduct such water, mechanical, electrical and hydraulic power and energy, electricity, compressed air, and power and energy in any other more condensed form by three separate routes in as direct a manner as practicable, through, along, under and over the streets, highways and public places of the corporation on such routes and no others unless mutually agreed upon, by means of pipes, mains, wires, poles and conduits and other approved methods that may from time to time be in use for such purposes; provided, however, that in so doing the contractor shall interfere as little as possible with the existing pavements, sewers, water-mains, pipes and wire and pole lines of the corporation, and shall construct and operate the said works in a proper and workmanlike manner and under competent supervision and in such a way as to interfere with and interrupt as little as possible the public use of such streets, highways and public places; and provided further that the contractors shall give to the corporation twenty days' notice in writing before entering upon any of the streets, highways or public places of the corporation for the purpose of constructing any of the said works, or making repairs or alterations therein, and that the said works shall be constructed, and all repairs and alterations hereto shall be executed in a manner approved of by the Town Engineer as least calculated to interfere with the public use of such streets, highways and public places, and that upon the completion of any of the said works or repairs or alterations, the said streets, highways and public places, shall be restored as nearly as possible to their original condition to the satisfaction of the said Town Engineer; and provided also that the contractor shall indemnify and save harmless the corporation from all damages properly recoverable against it by reason of anything done by the contractor under the provisions of this paragraph.

17. Should the corporation at any time do away with all its wires and pole lines either throughout the whole of the said town or throughout any particular areas or sections of it in which the congestion of business or traffic may make such a course necessary, the contractor shall also upon receipt of reasonable notice, remove his wire and pole lines from above the surface of the said streets, highways and public places within the same areas or sections.



18. The works to be constructed by the contractor under this agreement (including those mentioned in paragraph 16 hereof) and all the property whether real or personal, used or occupied in connection therewith, shall during the currency of this agreement be exempt from all taxes and assessments of every kind except only school taxes, and local improvement rates.

19. This agreement shall remain in force until the first day of January, 1932.

20. This agreement and all the terms and provisions hereof shall be in all respects binding upon, and shall enure to the benefit of the heirs, executors, administrators and assigns of the contractor and the successors and assigns of the corporation, and the contractor shall have the right at any time to sell, lease, assign, transfer and set over this agreement and all his rights, powers and privileges hereunder to any company or corporation that may be formed for the purpose of carrying out the undertaking or works contemplated by this agreement or any part of such undertaking or works, and upon notification to the corporation of such assignment or transfer this agreement and all the rights, powers and privileges hereby granted to the contractor shall at once become vested in and exercisable by the said company or corporation to be formed as aforesaid in the same way to all intents and purposes and to the same extent as if the name of such company or corporation were substituted for that of the contractor in this agreement.

21. Time shall be of the essence of this agreement, and this agreement shall be altogether null and void if the contractor shall not within three years from the first day of January, 1899, have completed the works specified in paragraph number one (1) hereof.

In witness whereof the seal of the corporation under the hands of its mayor and clerk has been hereunto affixed and the contractor has hereunto set his hand and seal.

Signed, sealed and delivered in the presence of

---

## SCHEDULE B.

### TOWN OF PORT ARTHUR.—No. 526.

A by-law respecting waterworks, electric lighting and power and other services for municipal purposes.

The council of the corporation of the town of Port Arthur enacts as follows :—

1. The mayor is empowered on behalf of this corporation to execute the contract between the corporation of the town of Port Arthur and Edward Spencer Jenison, a draft of which is hereto attached, marked as Schedule "A" to this by-law, and which schedule is made a part of this by-law to read therewith after the same shall have received the assent of the electors and ratepayers as required by law.

2. The votes of the electors, being the qualified ratepayers of the town of Port Arthur entitled to vote upon this by-law, will be taken on this by-law by the clerk of the corporation of the town of Port Arthur, the returning officer in that behalf, by and through the several deputy returning officers hereinafter named, on Monday the second day of January, A.D. 1899, commencing at nine o'clock in the morning, when the poll shall be opened, and continuing open until five o'clock in the afternoon of that day and no longer, at the several undermentioned places in the town of Port Arthur, namely :—

In

In the first ward, at the council chamber on Park street in the said town, by Mr. Neil McDougall of Port Arthur as deputy returning officer for that ward.

In the second ward, at lot 5, west side of Cumberland street, by Mr. W. A. McCallum of Port Arthur as deputy returning officer for that ward, and

In the third ward, at the Continental Hotel building on Cumberland street in the said town, by Mr. John Munro of Port Arthur as deputy returning officer for that ward.

3. On Friday the 30th day of December, A.D. 1898, at his office in the council chamber on Park street in Port Arthur, at eleven o'clock in the forenoon, the mayor shall in writing signed by him appoint two persons to attend at the final summing up of the votes by the clerk of this corporation and one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law and a like number on behalf of the persons interested in and desirous of opposing the passing of this by-law respectively.

4. The said clerk shall attend at the council chamber on Park street at Port Arthur at noon on Wednesday the 4th day of January, 1899, to sum up the number of votes given for and against this by-law, and at the same time and place, in the presence of the persons authorized to attend, or such of them as may be present, and then and there declare the result and forthwith certify to the council of this municipality under his hand whether the majority of the electors, being the duly qualified ratepayers in that behalf voting upon this by-law, have approved or disapproved thereof.

Council Chamber, Port Arthur, 25th day of January, 1899.

GEORGE T. MARKS,  
Mayor.

J. McTEIGUE,  
Clerk.

#### SCHEDULE "A" TO BY-LAW No. 526.

AGREEMENT made in duplicate this            day of            A.D., 1899,  
between the corporation of the Town of Port Arthur, hereinafter  
called the corporation, of the first part, and Edward Spencer Jenison,  
of the City of Chicago, in the State of Illinois, one of the United  
States of America, engineer, hereinafter called the contractor, of the  
second part.

Whereas the contractor has acquired certain powers and rights in connection with the waters of the Kaministiquia River, and other waters in the district of Thunder Bay, and the corporation desires to enter into this agreement for the purposes hereinafter set forth:

Now, therefore, it is witnessed that the corporation and the contractor do hereby mutually agree and covenant with each other as follows, that is to say:

1. The contractor shall and will, subject to the conditions hereinafter mentioned, within three years from the first day of January, 1899, construct and complete, or cause to be constructed and completed, the works necessary to furnish and supply to the corporation a water supply sufficient and ample in all respects to meet the requirements of the corporation from time to time for all municipal and domestic purposes, and to supply seven hundred and fifty (750) horse power of electric power or energy to operate the electric railway, lighting and heating systems owned and operated by the corporation and for the other purposes hereinafter

set

set forth, and further, the contractor shall, within the said period, provide a water supply on the high lands adjacent to the said town of Port Arthur sufficient to produce ten thousand horse power.

2. The said water supply shall be drawn from the Kaministiquia River at a point above the falls known as Kakabeka Falls, and from the streams and creeks between the said point and the Town of Port Arthur, and shall be free from such impurities as will unfit it for domestic use, according to the certificate of the analyst of the Dominion Government, and the said water supply as well as the electric current of the said seven hundred and fifty (750) horse power, shall be delivered and supplied to the corporation at any point or points east of the McIntyre River, and within a distance of two miles from the intersection of Cumberland and Arthur streets in the said town, to be selected by the contractor.

3. The water to be supplied now or at any future time shall be delivered in such a manner that it will have a head of not less than from two hundred and fifty to three hundred feet above the level of Lake Superior available for use, and shall be delivered to the points above named through a pipe one size larger than the corporation uses to take the water away therefrom.

4. The quantity of the said water supply is not, except upon the terms and conditions hereinafter set forth, to exceed two hundred and fifty millions (250,000,000) of gallons per year, and the electric power or energy to be supplied as aforesaid, is not, except upon the terms and conditions hereinafter set forth, to exceed seven hundred and fifty (750) horse power.

5. The corporation shall have the right to make use of the water to be so supplied as aforesaid, as well as of the additional quantity to be supplied on the terms and conditions hereinafter contained, for all the said municipal and domestic purposes, which are hereby declared to include the furnishing of a water supply to any railway company doing business in the said Town of Port Arthur, provided, however, and it is hereby expressly stipulated and agreed, that the corporation shall not take and the contractor shall not be bound to supply or deliver, any water to be used by the corporation for the purpose of making power or energy of any kind for any purpose, or any water to be sold, disposed of, furnished or delivered to customers or consumers, for use in the manufacture of power or energy of any kind, or for any other hydraulic or manufacturing purpose.

6. The corporation shall have the right to make use of the said seven hundred and fifty (750) horse power of electric power or energy as well as of the additional power or energy to be supplied on the terms and conditions hereinafter contained, during the whole twenty-four hours of every day for all municipal purposes for which such power or energy may be required by the corporation, including the operation of the electric railway, lighting and heating systems owned and operated by it, so long as the same shall continue to be owned and operated by the corporation, but no longer; and it is hereby expressly stipulated and agreed that the corporation shall not take, and the contractor shall not be bound to supply or deliver, any electric power or energy to be used by the corporation for any other purpose than those hereinbefore mentioned, except as set forth in paragraph number seven (7) of this agreement.

7. During a term of five years, commencing from the completion of the said works, and no longer, the corporation shall have the right to sell, lease, or otherwise dispose of to consumers, or customers within the said Town of Port Arthur, any surplus electric power or energy supplied to it as aforesaid over and above that which may be required by the corporation to properly and efficiently operate its electric railway, lighting and heating systems and fully supply the demands and requirements of the public in respect thereof, and further, after the expiration of the said term of five years, when the right of the corporation to sell, lease, or otherwise dispose of surplus power or energy, as aforesaid, shall have ceased, the corporation shall have the right from time to time to alter the respective quantities of water and of electric power or energy to be supplied to it as aforesaid,  
by



by exchanging the surplus water to which it may be entitled as aforesaid over and above its requirements, for electric power or energy, or by exchanging for water the surplus electric power or energy to which it may from time to time be entitled as aforesaid over and above its said requirements, and such exchanges, if any, shall be effected on the basis of each single horsepower of electric power or energy being equal in value to one million gallons of water, provided, however, that before effecting any such exchange the corporation shall give to the contractor twenty days' notice in writing of its desire to do so, and of the respective amounts of water and of power or energy required by it, and that such notice shall be binding and conclusive as to the respective amounts of water and of power or energy to be thereafter delivered.

8. Before the completion of the said works the contractor shall give to the corporation notice in writing specifying the date at which he expects to have the same completed and ready for operation, and such notice, if given between the first day of November in any year and the first day of May next ensuing, shall be for a period of six months commencing from such first day of May, and if given between the first day of May in any year and the first day of November next ensuing, it shall be for a period of twelve months, commencing from the said first day of November, but no penalty or damages shall be recoverable from the contractor for failure to complete the said works according to or at the time named in such notice, and the parties hereto may by mutual agreement change and alter the stipulations and agreements contained in this paragraph as to such notice.

9. Upon the completion of the works necessary to provide the said water and power supply, and from and after the date of such completion, and yearly and every year thereafter during the currency of this agreement the corporation shall pay to the contractor, his heirs, executors, administrators or assigns, the sum of ten thousand (\$10,000) dollars per year, in four equal quarterly payments of two thousand five hundred (\$2,500) dollars each, the first of which shall become due and be paid at the expiration of three months from the completion of the said works and the completion of the term of notice to the corporation hereinbefore provided for, and the subsequent payments of which shall become due and be paid at the expiration of each and every period of three months next ensuing after the date fixed as aforesaid for the said first payment; provided, however, that if after making due efforts the corporation shall upon the completion of the said works be unable to receive the said water and power supply then the corporation shall not until it shall be in a position to receive the same be called upon to commence making the said payments before the expiration of the time within which the contractor is hereby bound as aforesaid to complete his said works.

10. The contractor shall furnish and deliver to the corporation from time to time all the water required by it for the purposes for which water is to be supplied to it as aforesaid over and above the said quantity of two hundred and fifty millions of gallons per year and also all the electric power or energy required by it to operate its electric railway, lighting and heating systems and for all other purposes hereinbefore mentioned over and above the said seven hundred and fifty horse power, to the full extent of the capacity of the works which the contractor is now, or shall hereafter be, authorized and empowered to construct, and shall from time to time and at all times, upon receipt of proper and reasonable notice of the corporation's increased requirements of water or electric power or energy, and so far as he is authorized to do so, construct the works necessary to meet such additional requirements, and the corporation shall have the right from time to time and at all times to take and use the water and electric power or energy required by it for any of the purposes for which water and electric power or energy are to be supplied to it as aforesaid, to the full extent of the capacity of the contractor's works, provided, however, that the agreements and stipulations contained in this paragraph shall be subject to the terms and conditions set forth in paragraphs number eleven (11), twelve (12) and thirteen (13) of this agreement.



11. When and as often as the quantity of water supplied and delivered to the corporation as aforesaid shall exceed sixty-two million, five hundred thousand (62,500,000) of gallons for any of the said periods of three months, the corporation shall pay to the contractor, his heirs, executors, administrators or assigns, one cent for each one thousand gallons of such excess and the same shall become due and be paid quarterly on the second of the said quarter days next ensuing after the completion of the period of three months during which such excess may occur; provided, however, that if at the end of any year (to be reckoned from the date of the completion of the said works as aforesaid or some date to be mutually agreed upon between the parties hereto) the amount of water supplied during such year to the corporation shall not have exceeded two hundred and fifty millions of gallons altogether, the corporation shall have the right to deduct from the last of its payments for such year any sum or sums which it may have already paid for water supplied to it in any three months of such year in excess of sixty-two million five hundred thousand (62,500,000) gallons.

12. When and as often as the amount of electric power or energy supplied and delivered to and taken by the corporation as aforesaid shall exceed seven hundred and fifty horse power the corporation shall pay to the contractor, his heirs, executors, administrators or assigns, the sum of twenty-five dollars (\$25.00) per year for each horse power of such excess, and the same shall become due and be paid quarterly on the second of the said quarter days next ensuing after the completion of the period of three months during which such excess may occur.

13. The contractor shall not be obliged or compelled, notwithstanding anything contained in paragraph number ten (10) hereof, to supply or deliver to the corporation any quantity of water in excess of the said quantity of two hundred and fifty millions of gallons per year or any amount of electric power or energy in excess of seven hundred and fifty horse power, except to the extent to which the contractor can supply and deliver such excess, after supplying and delivering to other customers or consumers with whom he may from time to time have contracts or agreements, the water or power required by them under such contracts or agreements for manufacturing, hydraulic or other purposes for which the contractor shall have authority to supply or deliver water or power or energy; but the contractor shall not at any time after the receipt of notice of the corporation's increased requirements of water or power, as provided in paragraph number ten (10) hereof, make or enter into any new contract or agreement with any consumer or customer for the supply or delivery of either water or power, if the fulfilment of such contract or agreement may prevent the contractor from supplying and delivering to the corporation the additional amounts of water or power required by it under paragraph number ten (10) hereof.

14. Should the payments or any part of the payments to be made under this agreement remain overdue and unpaid for a period of thirty (30) days from the days and times on which they shall respectively become due and payable, the contractor shall thereupon be at liberty to shut off the supply of water and electric power or energy contemplated by this agreement and cease to supply or deliver any water or electric power or energy or either of them to the corporation until all monies due under this agreement shall have been fully paid and satisfied.

15. The contractor shall be considered to have supplied to the corporation, and the corporation shall be considered to have supplied to customers or consumers, electric power or energy to the full capacity of any motor or other appliance or set of appliances with which either the contractor or the corporation may connect a conductor of electric power or energy when and so long as the electric current supplied to such conductor is of sufficient capacity to operate such motor or other appliance, or set of appliances, whether the same be used during only part or the whole of the time thereafter, but no extra charge for power shall be made to the corporation until the gross amount of electric power or energy supplied to the

the different motors or other appliances of the corporation or its customers or consumers shall exceed seven hundred and fifty horse power.

16. The contractor shall have the right to sell, lease or otherwise dispose of and to deliver water derived from the sources above named for manufacturing and hydraulic purposes of all kinds, and for all other purposes for which water is not to be supplied to the corporation as aforesaid, within the limits of the said Town of Port Arthur and also to sell, lease or otherwise dispose of and to deliver mechanical, electrical and hydraulic power and energy, electricity, compressed air, and power and energy in any other more condensed form derived from the sources above named that may from time to time be in use, and for the purposes of so doing to convey and conduct such water, mechanical, electrical and hydraulic power and energy, electricity, compressed air and power and energy in any other more condensed form through, along, under and over the streets, highways and public places of the corporation, by means of pipes, mains, wires, poles and conduits, and other approved methods that may from time to time be in use for such purposes; provided, however, that in so doing the contractor shall interfere as little as reasonably may be with the existing pavements, sewers, water-mains, pipes and wire and pole lines of the corporation, and shall construct and operate the said works in a proper and workmanlike manner and under competent supervision and in such a way as to interfere with and interrupt as little as possible the public use of such streets, highways and public places; and provided further that the contractor shall give to the corporation twenty days' notice in writing before entering upon any of the streets, highways or public places of the corporation for the purpose of constructing any of the said works or making repairs or alterations thereto and that the said works shall be constructed and all repairs and alterations thereto shall be executed in the manner approved of by a civil engineer to be named by the corporation as least calculated to interfere with the public use of such streets, highways and public places, and that upon the completion of any of the said works or repairs or alterations the said streets, highways and public places shall be restored as nearly as possible to their original condition to the satisfaction of the said civil engineer and provided also that the contractor shall indemnify and save harmless the corporation from all damages properly recoverable against it by reason of anything done by the contractor under the provisions of this paragraph.

17. Should the corporation at any time do away with all its wire and pole lines either throughout the whole of the said town or throughout any particular areas or sections of it in which the congestion of business or traffic may make such a course necessary, the contractor shall also upon receipt of reasonable notice remove his wire and pole lines from above the surface of the said streets, highways and public places within the same areas or sections.

18. The works to be constructed by the contractor under this agreement (including those mentioned in paragraph 16 hereof) and all the property whether real or personal used or occupied in connection therewith shall during the currency of this agreement be exempt from all taxes and assessments of every kind except only school taxes and local improvement rates.

19. This agreement shall remain in force until the first day of January, 1932.

20. This agreement and all the terms and provisions hereof shall be in all respects binding upon, and shall enure to the benefit of the heirs, executors, administrators and assigns of the contractor and the successors and assigns of the corporation, and the contractor shall have the right at any time to sell, lease, assign, transfer and set over this agreement and all his rights, powers and privileges hereunder to any company or corporation that may be formed for the purpose of carrying out the undertaking or works contemplated by this agreement, or any part of such under-

taking

taking or works, and upon notification to the corporation of such assignment or transfer this agreement and all the rights, powers and privileges hereby granted to the contractor shall at once become vested in and exercisable by the said company or corporation to be formed as aforesaid in the same way to all intents and purposes and to the same extent as if the name of such company or corporation were substituted for that of the contractor in this agreement.

21. The contractor shall not offer any inducements in the shape of lower prices or otherwise to consumers to locate in one municipality in preference to another.

22. Time shall be of the essence of this agreement, and this agreement shall be altogether null and void if the contractor shall not within three years from the first day of January, 1899, have completed the works specified in paragraph number one (1) hereof.

In witness whereof the seal of the corporation under the hands of its mayor and clerk has been hereunto affixed and the contractor has hereunto set his hand and seal.

Signed, Sealed and Delivered in presence of

J. McTEIGUE,  
Clerk.

## CHAPTER 121.

An Act respecting the trusts under the marriage settlement of Mildred Raymond and John Raymond.

*Assented to 1st April, 1899.*

Preamb'e.

WHEREAS George Gooderham, trustee under the marriage settlement of Mildred Raymond and John Raymond has, by his petition, set forth that by a marriage settlement made on the 16th day of January, A.D. 1860, in contemplation of the marriage then intended to take place, and which subsequently did take place, between John Raymond and Mildred Crampton (afterwards Mildred Raymond) certain lands situate in the City of Toronto, namely town lots numbers nine and ten on the east side of Jarvis Street in section "A," according to the survey of Deputy Provincial Surveyor John G. Howard, and being part of Park lot number six in the first concession of the Township of York from the bay, were granted and conveyed to James Gooderham, George Gooderham and William Walker, as trustees, to the use of the said Mildred Crampton for her life and after her death to the use of such of the then present children of the said John Raymond and his future children by the said Mildred Crampton, as the said Mildred Crampton should leave her surviving in manner and subject to the several provisoes and conditions in the said marriage settlement set forth; and whereas in and by the said marriage settlement certain lands in the Township of Caradoc, in the county of Middlesex, namely, the north half of lot number twelve in the south concession of the said Township of Caradoc, north of the Longwoods Road, were granted and conveyed to the said James Gooderham, George Gooderham and William

Walker,



Walker, as trustees, to the use of the said Mildred Crampton for her life and after her death to the use of such of her then present and future children as she should leave her surviving in manner and subject to the several provisos and conditions in the said marriage settlement set forth; and whereas the said James Gooderham and William Walker have since died, and the said George Gooderham is the sole surviving trustee of the said marriage settlement; and whereas the said John Raymond died in or about the month of September, A.D. 1893; and whereas the said Mildred Crampton (afterwards Mildred Raymond) died in or about the month of May, 1898, leaving her surviving the following children, issue of the first marriage of the said the late John Raymond, deceased, namely:—William Joseph Raymond, Lucinda Ann McDougall (formerly Lucinda Ann Raymond), Margaret Jane Hill (formerly Margaret Jane Raymond), and the following children, issue of the marriage of the said Mildred Gooderham (afterwards Mildred Crampton) with the late Anthony Crampton, deceased, namely:—Harriett Geddes (formerly Harriett Crampton) and William James Crampton, and the following children, issue of the marriage of the said Mildred Crampton (formerly Mildred Raymond) with the said the late John Raymond, deceased, namely:—James Gooderham Raymond, Louisa Gooderham Nichols (formerly Louisa Gooderham Raymond), Albert Edward Raymond, and Victoria Raymond; and whereas it appears by the said petition that the said marriage settlement has been missing for over twenty years, and although exhaustive search and efforts, including advertisements in the newspapers, have been made to recover it it cannot be found; and whereas at the date of the execution of the said marriage settlement it was customary to register memorials of such documents and not the documents themselves, and whilst the memorials of the said marriage settlement set forth the class or classes of persons to whose use the said respective lands and premises were to be held after the death of the said the late Mildred Raymond, deceased, they do not set forth the manner in which the said respective lands and premises are to be held to the use of and disposed of for the benefit of the respective beneficiaries; and whereas it appears by the said petition that so far as they can be ascertained the uses and trusts to and upon which the said respective lands in the City of Toronto and in the Township of Caradoc respectively were to be held after the death of the said the late Mildred Raymond, deceased, were to the use and upon the trusts to pay the rents, issues and profits, or so much as the trustees should deem proper, for the maintenance and education of the respective *cestuis que trustent* until the youngest child should attain the full age of twenty-one years and then to sell and dispose of the said respective

lands upon such particulars, conditions and terms as the trustees should see fit and to divide the proceeds equally among the respective *cestuis que trustent*, the issue of any who might be dead leaving issue to take in equal shares the share of the deceased parent; and whereas all of the children of the said respective marriages, the objects of the trusts set forth in the said marriage settlement at the date of the then said intended marriage, are still living and are of full age; and whereas it is prayed by the said petition that the said George Gooderham be enabled to sell the said respective lands and to give a good title to the several purchasers thereof and to distribute the moneys, the proceeds of the said sale, and to be relieved from the trusts of the said marriage settlement; and whereas no opposition has been offered to the said petition, and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Authority to  
sell lands.

1. The said George Gooderham, trustee of the said marriage settlement, is hereby directed and empowered to sell the said respective lands, either by public auction or private contract, or partly in one mode and partly in the other, and generally in such a manner and subject to such terms and conditions as he the said George Gooderham shall think fit and convey the said respective lands to the several purchasers thereof, and his conveyance thereof, pursuant to the said powers hereby conferred, shall be deemed to be pursuant to and in performance of his said trusts, and shall give a valid title to the purchasers respectively.

Authority to  
distribute pro-  
ceeds.

2. The said George Gooderham, trustee of the said marriage settlement, is hereby further directed and empowered to apply and distribute the moneys, the proceeds of the sale of the said lands in the manner following, namely:—In the first place to pay and reimburse himself any money or monies which he may have paid out in respect of the said marriage settlement (including the costs and expenses of and incidental to the passing of this Act and the costs of and incidental to the sale of the said lands) and any other moneys to which he may be entitled in respect of the said trusts, and in the next place to distribute the balance or remainder of the said moneys as follows, namely:—The moneys, the proceeds of the sale of the said lands situate in Jarvis Street, in the City of Toronto, in equal parts or shares amongst the said William Joseph Raymond, Lucinda Ann McDougall, Margaret Jane Hill, James Gooderham Raymond, Louisa Gooderham Nichols, Albert Edward Raymond and Victoria Raymond, and the moneys, the

proceeds of the sale of the said lands in the Township of Caradoc, in equal parts or shares amongst the said Harriet Geddes, William James Crampton, James Gooderham Raymond, Louisa Gooderham Nichols, Albert Edward Raymond and Victoria Raymond.

3. Upon making the sales of the said lands as above empowered and distributing the proceeds thereof as aforesaid, the said George Gooderham, trustee of the said marriage settlement, shall stand discharged and relieved from the trusts of the said marriage settlement.

When discharged from trusts.

## CHAPTER 122.

An Act to authorize Jacob Zielinski to practise the Eclectic System of Medicine in the Province of Ontario.

*Assented to 1st April, 1899.*

Preamble,

**W**HEREAS Jacob Zielinski, of the City of Toronto, in the County of York, a British subject, has by his petition set forth that he studied and practised the Eclectic System of Medicine in Germany continuously for four years commencing in the year 1860; and whereas it has been represented that he then removed to the Province of Ontario and continued the practice of the Eclectic System of Medicine in the Township of Vaughan, in the County of York, as an active practitioner until the year 1888, after which he removed to the City of Toronto and continued in the active practice of the Eclectic System until the spring of the year 1890; and whereas it is further represented that he is now fifty-nine years of age; and whereas various Acts of the Legislature of this Province have expressly recognized the Eclectic System of Medicine, and certain provisions thereof formerly permitted registration by virtue of length of actual practice without other qualification; and whereas if the said Jacob Zielinski had made a proper application to the Eclectic Board of that time he could have secured its qualification and would have been entitled to be registered upon proving that he had so practised, and upon paying a fee of not more than \$10; and whereas the circumstances of the said case appear to be quite exceptional and the petitioner comes substantially within the class of those who at one time were entitled to registration on application for the purpose; and whereas it is expedient to grant the prayer of the said petition:

Therefore



Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. The said Jacob Zielinski is hereby authorized to practise what is known as the Eclectic System of Medicine without incurring any liability under the penal clauses of *The Ontario Medical Act* but nothing herein contained shall be deemed to authorize the said Jacob Zielinski to practise surgery or midwifery.

Jacob Zielinski authorized to practise Eclectic System.



# TABLE

SHEWING

REVISED STATUTES AND SUBSEQUENT ACTS AMENDED BY  
ACTS OF 62 VICTORIA, 2ND SESSION.

Act repealed or amended.	Subject matter.	How affected.	Chapter of 62 Vict.
Rev. Stat. c. 7..	Voters' Lists .....	Amended. ..	3, 4, 11
" c. 8..	Manhood Suffrage .....	Amended....	11
" c. 9..	Elections.....	Amended....	5
" c. 11..	Controverted Elections .....	Amended....	6
" c. 17..	Sheriffs .....	Amended....	7
" c. 18..	Fees of certain Public Officers .....	Amended....	7
" c. 24..	Succession Duty ....	Amended....	9
" c. 28..	Public Lands .....	Amended....	11
" c. 31..	Heir, Devisee and Assignee Commission .....	Amended....	11
" c. 36..	Mines .....	Amended....	10
" c. 43..	Agriculture and Arts .....	Amended....	11
" c. 51..	Judicature .....	Amended....	11
" c. 52..	Judges of Supreme Court .	Amended....	11
" c. 54..	County Judges and Local Courts .....	Amended....	11
" c. 60..	Division Courts.....	Amended....	11
" c. 61..	Jurors .....	Amended....	11
" c. 62..	Arbitration .....	Amended....	11
" c. 69..	Action for Seduction .....	Amended....	13
" c. 77..	Execution .....	Amended....	7
" c. 78..	Creditors' Relief .....	Amended ...	11
" c. 80..	Arrest and Imprisonment for Debt.....	Amended....	7
" c. 88..	Protection from Vexatious Actions .....	Amended....	7
" c. 101..	Fees of Officers in Administration of Justice ..	Amended....	7

Act repealed or amended.	Subject matter.	How affected.	Chapter of 62 Vict.
Rev. Stat. c. 104..	Administration of Justice in Criminal Matters.	Amended...	11
" c. 109..	Unorganized Territory .....	Amended....	11
" c. 129..	Trustees .....	Amended....	15
" c. 130..	Investments by Trustees .....	Amended....	11
" c. 133..	Real Property Limitation.....	Amended....	11
" c. 136..	Registration of Deeds.....	Amended ...	16
" c. 148..	Bills of Sale and Chattel Mortgages .....	Amended....	11, 14
" c. 156..	Wages .....	Amended....	17
" c. 160..	Compensation to Workmen .....	Amended....	18
" c. 162..	Marriage .....	Amended...	11
" c. 177..	Anatomy .....	Amended....	11
" c. 180..	Ontario Land Surveyors.....	Amended....	11
" c. 191..	Companies .....	Amended....	11
" c. 201..	Cheese and Butter Associations .....	Amended....	19
" c. 203..	Insurance .....	Amended....	21
" c. 205..	Loan Corporations .....	Amended....	22
" c. 207..	Railways .....	Amended....	11
" c. 209..	Electric Railways.....	Amended....	25
" c. 223..	Municipal Institutions .....	Amended...	11, 26
" c. 224..	Assessment.....	Amended....	8, 27
" c. 225..	Municipal Institutions in Districts .....	Amended....	27
" c. 226..	Municipal Drainage.....	Amended....	28
" c. 232..	Public Libraries .....	Amended....	29
" c. 243..	Tree Planting .....	Amended....	30
" c. 245..	Liquor Licenses.....	Amended....	31
" c. 248..	Public Health .....	Amended. ..	32
" c. 250..	Meal and Mill Supplies .....	Amended....	26
" c. 285..	Ditches and Water Courses .....	Amended....	28
" c. 287..	Game Protection .....	Amended....	33
" c. 288..	Fisheries .....	Amended....	34
" c. 292..	Public Schools .....	Amended....	36
" c. 294..	Separate Schools ..	Amended....	37
" c. 321..	Prison and Asylum Inspection.....	Amended....	38
61 Vict. c. 4..	Manhood Suffrage Registration .....	Amended....	11



Act repealed or amended.	Subject matter.	How affected.	Chapter of 62 Vict.
61 Vict. c. 11..	Mining Claims .....	Amended....	10
“ c. 13..	Investment of Crown Funds.....	Repealed ....	11
“ c. 19..	Limited Liability of Companies .....	Amended....	11
“ c. 23..	Municipal Amendment .....	Amended....	26
“ c. 33..	San José Scale .....	Amended....	35



# INDEX

TO

## ACTS OF THE PROVINCE OF ONTARIO.

SECOND SESSION, NINTH LEGISLATURE 62 VICTORIA 2, 1899.

### A.

	PAGE.
ABERDEEN, TOWNSHIP OF, name of Township of Coffin changed to.....	114
ACCIDENTS TO WORKMEN, onus of proof as to compliance with Statutes.....	70
arbitration of claims for compensation.....	70
ACCOUNTANT OF SUPREME COURT, moneys vested in, to be deemed to be held in trust for Crown.....	45
ADMINISTRATION OF CRIMINAL JUSTICE, sheriff's expenses carrying out capital sentence.....	20
clerk of the peace attending general sessions, fee for.....	49
ADMINISTRATORS, powers as to settling claims.....	61
paying claims for wages.....	68
AFFIDAVITS, not to be sworn before solicitors or agents of parties in division courts. . .	46
AGRICULTURE AND ARTS, acquiring lands for site for buildings, etc.....	52
by-laws granting aid to fat stock shows.....	111
San Jose scale.....	152
instruction in public schools.....	157
ALFRED, TOWNSHIP OF, drainage by-laws Nos. 255 and 288 of Caledonia confirmed.....	175
ALGOMA, PROVISIONAL JUDICIAL DISTRICT OF, separation of Manitoulin from.....	57
district judges, jurisdiction of.....	58, 59
ALGOMA CENTRAL RAILWAY COMPANY, incorporation.....	436
ANATOMY, appointment of general inspector.....	53
local inspectors to make returns.....	54
fees of inspectors.....	54
APPEALS, to court of appeal from divisional court.....	50
ARBITRATION, submission or reference not revoked by death.....	47
of claims for compensation for injuries to workmen. See WORKMEN.....	70

ASSESSMENT,	PAGE.
of certain companies liable to Provincial tax.....	27, 29
exemption of farm implements and products.....	118
Roll, form of, in cities of 100,000 or more.....	118
time for final revision in cities.....	118
sending copy to county clerk.....	120
taxes, payment into office of treasurer.....	119
payment by instalments, discount.....	119
notice as to time and mode of payment.....	119
payments on account of arrears.....	122
appeals to court of appeal.....	119
from court of revision, who may appeal.....	120
Statute labour, entry on defaulters' list.....	120
distress, what property liable.....	120, 121
arrears, adding after returns of lands liable to sale.....	122
treasurers' books, audit of.....	122
issuing debentures against arrears.....	123
triennial assessments in districts.....	123
ASSIGNMENTS BY INSOLVENTS,	
paying claims for wages.....	68

## B.

BAIL,	
deposit in lieu of, on arrest under civil process.....	19
BALLOT,	
inspection of, under supervision of Registrar of Court of Appeal.....	14
forms for use at municipal elections.....	99, 100, 115
use on voting in municipal councils prohibited.....	100
BANKS,	
liability to Provincial tax. See REVENUE.....	21
BELL, ROBERT,	
bonus from town of Seaforth.....	364
BERTRAM, JOHN, AND SONS,	
by-law No. 462 of Town of Dundas granting bonus of \$12,000 to, confirmed.....	202
BIETTE & CO.,	
loan from village of Tara.....	399
BILLIARD ROOMS,	
licenses for, in police villages.....	114
BILLS OF SALE AND CHATTEL MORTGAGES,	
place of filing, in Muskoka.....	50
in Parry Sound.....	51
in Manitoulin.....	59
BLYTH, VILLAGE OF,	
debenture debt consolidated at \$5,500 and debentures authorized.....	163
BOARDS OF CONTROL,	
may be constituted in certain cities.....	101
BOUNDARY OF ONTARIO,	
line between Ontario and Manitoba.....	7
BRAMPTON, TOWN OF,	
floating debt consolidated and debentures for \$10,000 authorized.....	168
BRANTFORD GAS COMPANY,	
charter confirmed and declared perpetual.....	614
capital stock increased to \$200,000.....	615
debentures and debenture stock.....	615
transfer of debenture stock.....	616
power to acquire electric lighting plants.....	616
amalgamation with electric light companies.....	616
preferred stockholders, rights of.....	618
mayor of city to be a director.....	618
application of general laws to company.....	618
consent of city to exercise of certain powers.....	618



<b>BREWERS' LICENSES,</b>	PAGE.
<i>See</i> LIQUOR LICENSES .....	129
<b>BRIDGES,</b>	
city laws for raising moneys for, without assent of electors .....	102
<b>BROCKVILLE, TOWN OF,</b>	
floating debt, debentures for \$24,000 authorized .....	173
<b>BRUCE MINES AND ALGOMA RAILWAY COMPANY,</b>	
incorporation .....	452
<b>BUILDING SOCIETIES,</b>	
investments by trustees in debentures of .....	51
<b>BUSHNELL CO., LIMITED,</b>	
by-law of town of Sarnia fixing assessment confirmed .....	352
<b>BUTTER MANUFACTURERS,</b>	
<i>See</i> CHEESE AND BUTTER .....	81, 82
<b>BY-LAWS.</b>	
<i>See</i> MUNICIPAL MATTERS .....	96

C.

<b>CALEDONIA, TOWNSHIP OF,</b>	
by-laws Nos. 255 and 288 for drainage in Caledonia, Alfred and Plantagenet confirmed .....	175
<b>CANADA IRON FURNACE COMPANY,</b>	
town of Midland authorized to grant bonus of \$50,000 to .....	271
site of works to be annexed to town .....	272
<b>CANADA SOUTHERN RAILWAY COMPANY,</b>	
by-law of town of Niagara Falls respecting assessment confirmed .....	280
<b>CANADIAN COLORED COTTON MILLS COMPANY,</b>	
by-law and agreement as to assessment at Cornwall confirmed .....	197
<b>CANADIAN ELECTRIC AND WATER POWER COMPANY,</b>	
agreement with town of Perth confirmed .....	325
<b>CANADIAN NIAGARA POWER COMPANY,</b>	
Crown authorized to accept surrender from .....	53
<b>CARMAN NATURAL GAS CO.,</b>	
town of Petrolea authorized to contract for supply of gas .....	337
<b>CASE, T. R. F., &amp; CO.,</b>	
loan from town of Seaforth .....	363
<b>CATTLE,</b>	
by-laws for granting aid to shows for .....	111
by-laws respecting running at large in police villages .....	114
<b>CAUTION,</b>	
registration against lands liable for succession duty .....	37
<b>CENTRAL COUNTIES RAILWAY COMPANY,</b>	
subsidy of \$2,000 per mile for 14 miles .....	91
settlement of claims of creditors .....	93
<b>CENTRAL ONTARIO RAILWAY COMPANY,</b>	
subsidy of \$3,000 per mile for 21 miles .....	91
<b>CHAIN FERRY, TORONTO,</b>	
construction of, authorized .....	414
<b>CHEESE AND BUTTER EXCHANGES,</b>	
incorporation by declaration approved by Minister of Agriculture .....	82
registration of certificate, fee on .....	83
rules, what to be dealt with in .....	83
how binding on members .....	84
changes to be approved by Minister .....	84
annual returns to Minister .....	84
<b>CHEESE AND BUTTER MANUFACTURING ASSOCIATIONS,</b>	
rules to provide for settlement of disputes by arbitration .....	81
trustees, removal of .....	81
<b>CHILDREN,</b>	
amount insurable on lives of .....	86
<b>CHURCH OF THE HOLY TRINITY, TORONTO,</b>	
amendment to declaration of trust respecting endowment of .....	642

	PAGE.
CLARK, G. M., agreement with town of Cobourg as to summer hotel confirmed .....	189
CLERK OF THE PEACE, fee on attending general sessions .....	49
COBOURG, TOWN OF, agreement with G. M. Clark confirmed .....	189
bonus to Dick, Ridout & Co. ....	190
COFFIN, TOWNSHIP OF, change of name to "Aberdeen" .....	114
COLLINGWOOD, TOWN OF, debts set out in schedule—consolidated at \$200,000 .....	192
COMMISSIONERS OF QUEEN VICTORIA NIAGARA FALLS PARK, agreements with power companies .....	53
COMPANIES, liability of certain classes to provincial tax, <i>See</i> REVENUE .....	21
restriction on penalty for non-user of word "limited" .....	48
for manufacturing, etc., cheese and butter. <i>See</i> CHEESE AND BUTTER .....	81, 82
COMPENSATION FOR INJURIES TO WORKMEN, <i>See</i> WORKMEN .....	70
CONSTABLES, appointment of, in police villages .....	113
CONTINUATION CLASSES, <i>See</i> PUBLIC SCHOOLS .....	154
CONTROVERTED ELECTIONS, petition—who may present .....	15
where to be filed .....	15
security—when to be given .....	16
preliminary examination—members not required to attend during session	16
stay of examination when unduly prolonged .....	16
when may be taken in shorthand .....	16
costs .....	16
production of bills, vouchers, etc. ....	17
trial—where to take place .....	17
CORNWALL, TOWN OF, by law No. 10, 1899, and agreement as to assessment of Canadian Colored Cotton Mills Co. confirmed .....	197
COSTS, security for—accepting bonds of companies .....	55
COUNTY COUNCILS, re-adjustment of divisions on re-union of town with county .....	96
provisional corporations—council how composed .....	96
warden -election of .....	100
COUNTY JUDGES, when to act as local master .....	45
qualification of .....	46
appointment of junior judge in Lambton .....	54
COURT OF APPEAL, appeals from divisional court to .....	50
COURT HOUSE, contribution of city or separated town to cost of .....	104
COURT OF REVISION, who may appeal from .....	120
COURTS, duties of sheriffs as to sittings in Toronto .....	18, 19
CREDITORS' RELIEF, rights of execution creditors where mortgage or sale intervenes .....	47
CRIMINAL JUSTICE ACCOUNTS, sheriff's expenses carrying out capital sentence .....	20
clerk of the peace—attending general sessions .....	49
CROWN LANDS, powers of heir, devisee and assignee commission transferred to divisional court .....	51
CURTESY, ESTATES BY, subject to succession duty .....	38

## D.

DAIRY COMPANIES,	PAGE.
<i>See</i> CHEESE AND BUTTER.....	81, 82
DEER,	
<i>See</i> GAME LAWS.....	141
DEPUTY REEVES,	
abolition of office—changes consequent thereon.....	96-100
DEPUTY RETURNING OFFICERS,	
to be resident in county or district for which they act.....	13
DESERT LAKE,	
name changed to Gordon Lake.....	114
DICK, RIDOUT & CO.,	
town of Cobourg authorized to grant a bonus to.....	190
DIOCESE OF TORONTO,	
<i>See</i> SYNOD OF THE DIOCESE OF TORONTO.....	636
DIRECTIONS TO VOTERS,	
forms for use at municipal elections.....	100, 115
DISTILLERS' LICENSES,	
<i>See</i> LIQUOR LICENSES.....	129
DISTRESS FOR TAXES,	
what property liable.....	120, 121
DISTRICT COURTS,	
sittings in Manitoulin.....	58
chamber matters in Rainy River.....	59
DISTRICT JUDGES,	
revision of voters' lists by.....	44
when to act as selectors of jurors.....	47
DISTRICTS,	
suspension of provisions as to voters' lists in.....	12
withdrawal of township from union.....	114
triennial assessments in.....	123
DITCHES AND WATERCOURSES,	
<i>See</i> DRAINAGE.....	124
DIVISION COURTS,	
affidavits not to be sworn before solicitors or agents for parties.....	46
substitutional service.....	46
non-suit or dismissal on trial by jury.....	46
right to jury on claims by third parties.....	47
sittings in Algoma and Manitoulin.....	58, 59
DIVISIONAL COURTS,	
appeals to Court of Appeal from.....	50
powers of heir, devise and assignee commission transferred to.....	51
DOMINION COTTON MILLS COMPANY, LIMITED,	
by-law 705 of the city of Kingston, exempting from taxation, confirmed..	228
DOWER, ESTATES IN,	
subject to succession duty.....	38
DRAINAGE,	
ditches and watercourses, "owner," who to be deemed.....	124
mining and manufacturing purposes.....	124
inspection by engineer, when to be made.....	125
declaration of ownership, effect as to jurisdiction.....	126
municipal drainage, adjusting assessment when lands subdivided.....	125
notice to persons assessed.....	125
report, time for filing.....	126
engineer's default, appointment of another engineer by council.....	126
DUNDAS, TOWN OF,	
by-law No. 462, granting bonus of \$12,000 to Bertram & Sons, confirmed	202
DUNDAS STREET,	
transfer of part from Township of York to Toronto Junction.....	435

## E.

	PAGE.
EATING HOUSES,	
revoking licenses granted to.....	111
ELECTION TRIALS,	
expenses of judges, included in allowance of \$1,000 .....	52
<i>See</i> CONTROVERTED ELECTIONS .....	15
ELECTIONS,	
deputy returning officers to be resident in the county or district for which they act.....	13
recount, when majority exceeds 50 votes .....	13
poll-book, examination of person losing.....	14
inspection of ballots under supervision of Registrar of Court of Appeal..	14
non-compliance by deputy with provisions as to close of poll .....	14
giving refreshments, etc., when <i>prima facie</i> a corrupt act.....	14
imprisonment of offenders in certain cases .....	14
to municipal councils. <i>See</i> MUNICIPAL MATTERS .....	96
ELECTRIC LIGHT,	
by-laws for construction of works, etc. <i>See</i> GAS, ELECTRIC LIGHT AND WATERWORKS .....	107
ELECTRIC LIGHT COMPANIES,	
liability to provincial tax. <i>See</i> REVENUE .....	21
ELECTRIC RAILWAYS,	
liability to provincial tax. <i>See</i> REVENUE .....	21
stopping cars at swing bridges, etc.....	95
ENGLEDUE, COL. W. T.	
Crown authorized to return deposit of \$20,000 made by .....	50
EQUITABLE RIGHTS IN CHATTELS,	
taking in execution.....	19
EXCHANGES FOR CHEESE AND BUTTER,	
<i>See</i> CHEESE AND BUTTER .....	82
EXECUTION,	
exempted article valued at over \$100, application of proceeds .....	18
fees, payable on delivery of writ to sheriff.....	18
deposit in lieu of bail.....	19
shares and dividends and interests thereon .....	19
equitable rights in chattels .....	19, 20
EXECUTION CREDITORS,	
rights of, where mortgage or sale intervenes.....	47
EXECUTORS,	
recovery of succession duty from.....	36
EXEMPTIONS FROM EXECUTION,	
procedure where article otherwise exempt is valued at over \$100 .....	18
EXEMPTIONS FROM TAXATION,	
requisites of by-laws for granting.....	103
farm implements, produce, etc. ....	118
EXETER, VILLAGE OF,	
by-law No. 8, 1899, as to assessment of farm lands confirmed .....	206
EXHIBITIONS,	
by-laws granting aid to live stock shows .....	111
licensing in police villages. ....	114
EXPLOSIVES,	
by-laws respecting the storing and manufacture of .....	106

## F.

FARMERS' SONS,	
qualification at municipal elections.....	97
form of oath.....	98
FEEES IN ADMINISTRATION OF JUSTICE,	
expense of execution, taxation of .....	20
clerk of the peace attending general sessions.....	49
FEEES OF PUBLIC OFFICERS,	
provisions as to payment of percentage not to apply to sheriffs.....	19



<b>FERRIES,</b>	PAGE.
by-laws for granting aid to .....	113
<b>FIRE LIMITS,</b>	
establishment of, in unincorporated villages .....	106
<b>FISHERIES,</b>	
what to be deemed a fishery .....	148
overseers, who to be .....	148
game fish, speckled trout, bass and maskinonge .....	148
angling, meaning of .....	148
private fisheries, protection of .....	149
property in fish artificially propagated .....	149
licensee not to transfer license .....	149
minnows, regulations as to netting .....	149
provincial constables, <i>ex-officio</i> overseers .....	149
confiscating appliances illegally used .....	149
licensee to allow inspection of fish .....	150
obstructing officers .....	150
finding nets, etc., what evidence of .....	150
lessees and licensees, annual statement by .....	150
overseers, powers of .....	150
disputes as to location, etc., adjustment of .....	151
penalties, joint and several liability .....	151
size and weight of fish, regulations as to .....	151
transporting fish illegally caught .....	151
<b>FORT WILLIAM, TOWN OF,</b>	
by-law No. 151 to authorize debentures for waterworks confirmed .....	209
municipal elections for 1899 confirmed .....	210
council hereafter to be elected by wards .....	210
rates of fare and track allowance on electric railway .....	340
agreement with E. S. Jenison confirmed .....	669-671
<b>FREE LIBRARIES,</b>	
<i>See</i> PUBLIC LIBRARIES .....	127

## G.

<b>GAME LAWS,</b>	
shipping deer without coupons .....	141
license to be carried by hunter and shown on demand .....	141
form of .....	147
non-residents' licenses, shipping coupons to be attached .....	141
number of ducks which may be taken .....	142
inspection of license .....	142
killing deer in the water .....	142
rights of persons breeding deer .....	142
selling or keeping for sale in close season .....	142
hunting, etc., for hire in close season .....	143
Storage, licenses for .....	143
hotels, licenses to supply game to guests .....	144
transportation, season for .....	144
express companies, inspecting premises of .....	144
packing so as to let contents be seen .....	145
trespassers, notice to, on private lands .....	145
penalties, amount and recovery of .....	145
guides, licenses to .....	146
confiscation of guns, nets, etc. ....	146
limitation of prosecutions .....	146
open seasons may be varied by Order in Council .....	147
<b>GAOLS,</b>	
inspections, how often to be made .....	162
<b>GAS COMPANIES,</b>	
liability to Provincial tax. <i>See</i> REVENUE .....	21
<b>GAS, ELECTRIC LIGHT AND WATER WORKS,</b>	
by-laws for construction, etc., of .....	107
buying out existing companies .....	108

<b>GAS, ELECTRIC LIGHT AND WATER WORKS.—<i>Con.</i></b>	<b>PAGE.</b>
withdrawal of municipality after award.....	109
contracts with companies, arbitration as to rates.....	109
individuals using name of municipality to have rates fixed .....	109
official arbitrator may act .....	110
existing by-laws and contracts.....	110
<b>GENERAL SESSIONS,</b>	
fees of clerk of the peace for attending .....	49
sittings in Manitoulin .....	58
<b>GODERICH, TOWN OF,</b>	
authorized to borrow \$25,000 to pay floating debts on electric light and water works and to complete same.....	213
authorized to guarantee bonds of Elevator and Transit Co. for \$50,000..	216
<b>GODERICH ELEVATOR AND TRANSIT CO., LIMITED,</b>	
town authorized to guarantee debentures for \$50,000.....	216
<b>GORDON LAKE,</b>	
name of Desert Lake changed to.....	114
<b>GRAND JURORS,</b>	
empanelling when not more than thirteen appear .....	
<b>GRAND TRUNK RAILWAY COMPANY,</b>	
Agreement with City of Toronto as to paving Station Street.....	407
<b>GUNPOWDER,</b>	
by-laws respecting storing and manufacture of.....	106

## H.

<b>HALIBURTON, WHITNEY AND MATTAWA RAILWAY COMPANY,</b>	
subsidy of \$3,000 per mile for 48 miles.....	90
incorporation .....	463
<b>HAMILTON, CITY OF,</b>	
provisions as to boards of control not to apply to .....	101
<b>HAMILTON, ANCASTER AND BRANTFORD RAILWAY COMPANY,</b>	
name of Hamilton, Chedoke and Ancaster Ry. Co. changed.....	484
capital stock increased to \$300,000.....	485
location of line .....	485
rights and liabilities preserved.....	485
application of general provisions as to electric railways .....	486
agreement with other companies.....	486
<b>HAMILTON AND CALEDONIA RAILWAY COMPANY,</b>	
incorporation .....	478
<b>HAMILTON, CHEDOKÉ AND ANCASTER RAILWAY COMPANY,</b>	
<i>See</i> HAMILTON, ANCASTER AND BRANTFORD RY. CO.....	484
<b>HAMILTON YOUNG WOMEN'S CHRISTIAN ASSOCIATION AND TECHNICAL INSTITUTE,</b>	
name of Hamilton Y. W. C. A. changed .....	647
powers as to acquiring and holding lands .....	648
technical education.....	648
by-laws and regulations.....	648
negotiable instruments .....	649
<b>HAMLETS,</b>	
registration of plans of .....	65
fire limits in.....	106
<b>HAY, JOHN GEORGE AND ARCHIBALD,</b>	
by-law of Town of Owen Sound for loan to, confirmed .....	309
<b>HEALTH LAWS,</b>	
suspension of certain provisions as to inspection of milch cows, etc. ....	114
borrowing funds for erection of contagious diseases hospital.....	140
<b>HEIR, DEVISEE AND ASSIGNEE COMMISSION,</b>	
powers transferred to divisional court .....	51
<b>HIGH SCHOOLS,</b>	
certain newspaper proprietors not disqualified as trustees.....	49

	PAGE.
HIGHWAYS,	
notice of claim where two municipalities jointly liable for non-repair....	112
sale of road allowance to owners of adjoining lands.....	112
local improvements,—compelling municipality to repair, etc .....	112
HISTORICAL SOCIETY,	
incorporation of.....	619
HOLY TRINITY CHURCH, TORONTO,	
variation of declaration of trust as to endowment of .....	642
HOSPITALS,	
borrowing funds for erection of isolation hospitals .....	140
HOUSES OF INDUSTRY,	
taking conveyances of property from inmates .....	105
who may be committed to .....	105
HUNTER BROTHERS,	
bonus of \$4,000 from town of Kincardine.....	219

I.

IMPERIAL OIL CO.,	
exemption from taxation in Sarnia.....	352
INCOME VOTERS,	
qualification at municipal elections .....	97
form of oath of .....	97
INCORPORATED SYNOD OF THE DIOCESE OF TORONTO,	
<i>See</i> SYNOD OF THE DIOCESE OF TORONTO .....	636
ISOLATION HOSPITALS,	
borrowing funds for erection of .....	140
INSOLVENT ESTATES,	
paying claims for wages.....	68
INSPECTION OF PRISONS AND ASYLUMS,	
how often gaols, etc., to be visited .....	162
INSURANCE COMPANIES,	
liability to provincial tax. <i>See</i> REVENUE .....	21
amounts insurable on lives of children .....	86
INVESTMENT OF COURT FUNDS,	
in municipal debentures .....	45
INVESTMENTS BY TRUSTEES,	
debentures of loan companies and building societies .....	51

J.

JAMES BAY RAILWAY COMPANY,	
subsidy of \$2,000 per mile for 175 miles .....	90
land grant to .....	91
JENISON, EDWARD SPENCER,	
extension of powers as to development of water power on Kaministiquia River.....	666
diversion of water from river to canal .....	667
building dams .....	668
expropriating lands .....	668
by-laws and agreements with Fort William and Port Arthur confirmed..	669
Act to bind representatives .....	670
rights of towns as to taking over works.....	670
exemptions from taxation.....	671
time for commencement and completion .....	671
JUDGES OF SUPREME COURT OF JUDICATURE,	
allowance to include expenses at election trials .....	52
JUDICATURE ACT,	
local masters, appointment of more than one in any county .....	45
county judges may act in absence of .....	45
moneys in court,—to be deemed to be held in trust for Crown.....	45
appeals to a divisional court and court of appeal .....	50
transfer of powers of Heir, Devisee and Assignee Commission to Divisional Court .....	51

JUNK SHOPS,	PAGE.
licensing—cancelling licenses .....	111
JURIES,	
right to in certain division court actions .....	47
empanelling grand jurors .....	47

## K.

KAMINISTIQUEA RIVER IMPROVEMENTS,	
<i>See</i> JENISON .....	666
KINCARDINE, TOWN OF,	
bonus of \$4,000 to Messrs. Hunter Bros .....	219
KING BROTHERS,	
town of Whitby authorized to make loan of \$10,000 to .....	423
KINGSTON, CITY OF,	
exempting grain elevators from taxation .....	226
by-law 705 as to partial exemption of Dominion Cotton Mills Co. and agreement confirmed .....	228
KINGSTON ROAD,	
abandonment of portion by county of York confirmed .....	429
KINGSTON, SMITH'S FALLS AND OTTAWA RAILWAY CO.,	
bonus from village of Merrickville cancelled .....	269
KNOX CHURCH, TORONTO,	
sale of present site authorized .....	646

## L.

LABOUR AND WAGES,	
paying claims for wages out of insolvent estates .....	68
compensation for injuries. <i>See</i> WORKMEN.....	70
LAKE SUPERIOR POWER COMPANY,	
agreement as to closing of certain streets and payment of taxes in Sault Ste. Marie confirmed.....	357
LAMBTON, COUNTY OF,	
appointment of junior judge in.....	54
LAND SURVEYORS,	
fee on filing articles .....	48
LAW SOCIETY OF UPPER CANADA,	
authorized to admit G. M. Gardner as a solicitor.....	665
LEAMINGTON, TOWN OF,	
debts consolidated at \$108,400 and debentures authorized .....	233
natural gas system, application of revenue.....	235
LIBRARIES,	
<i>See</i> PUBLIC LIBRARIES .....	127
LICENSES,	
discretion of municipal council and police commissioners as to.....	104
junk-shops and second-hand stores .....	111
revocation of licenses to tobacconists and eating houses.....	111
to brewers and distillers, etc <i>See</i> LIQUOR LICENSES .....	129
LIMITATION OF ACTIONS,	
clerical error corrected in real property Act.....	48
claims against municipalities for lands taken or injured.....	104
LIMITED LIABILITY,	
restriction on penalty for non-user of word limited.....	48
incorporation of railway companies to operate in Ontario.....	49
LINDSAY, TOWN OF,	
by-law No. 818, for lending \$20,000 to R. Sylvester confirmed .....	238
agreement with Rider and Kitchener confirmed .....	239
authorized to issue debentures for \$2,000 to aid Rider and Kitchener ..	240
LINDSAY, HALIBURTON AND MATTAWA RAILWAY CO.,	
subsidy of \$3,000 per mile for 48 miles .....	90
LIQUOR LICENSE FUND,	
in police villages.....	113



LIQUOR LICENSES,	PAGE.
brewers' and distillers' licenses .....	129
fees on .....	130
form and conditions .....	132
sworn statement required .....	132
commission of enquiry .....	133
penalties selling without license .....	13
onus of proof .....	135
recovery of penalties, procedure .....	135
carrying on business at more than one place .....	135
Tavern, shop and wholesale licenses .....	135
license fees payable to province .....	135
payment by instalments .....	136
forms .....	138
LIVE STOCK SHOW,	
by-laws for granting aid to .....	111
LOAN CORPORATIONS,	
liability to provincial tax. <i>See</i> REVENUE .....	21
investments by trustees in debentures of .....	51
by-laws,—delivery to registrar, and approval by him .....	87
annual statement, information to be furnished with .....	87
suspension or cancellation of registry .....	88
appeals .....	88
registrar,— <i>fiat</i> required before proceedings taken against .....	88
LOCAL COURTS,	
qualification of judges .....	46
junior judge in Lambton .....	54
LOCAL IMPROVEMENTS,	
taxes for—not affected by provincial tax .....	29
compelling municipality to make repairs .....	112
petitions for and against .....	112
permanent sidewalks, corporation providing 40 per cent. of costs .....	112
LOCAL MASTERS,	
appointment of more than one in any county .....	45
when county judge to act .....	45
LONDON, CITY OF,	
Victoria hospital agreement with county as to contributions confirmed ..	246
representation of county on board .....	246, 247
renewals of existing agreement .....	247
county authorized to issue debentures for \$15,000 .....	247
issue of debentures for \$10,000 to complete work .....	248
Drill shed, acquiring new site for .....	248
disposal of present site .....	249
trustees, appointment etc. of .....	249
issue of debentures .....	250
Street railways. <i>See</i> LONDON STREET RAILWAY COMPANY .....	487
exemption of Y. M. C. A. from taxation .....	652
LONDON STREET RAILWAY COMPANY,	
By-laws No. 1010 and 1025 and agreements as to laying tracks on cer-	
tain streets in city confirmed .....	487
agreement with township of London as to use of highways and by-law	
confirmed .....	488
enforcing agreements against company, directors, number of .....	488
LONDON YOUNG MEN'S CHRISTIAN ASSOCIATION,	
incorporation .....	650
exemption from taxation .....	652

## M.

MADOC, TOWNSHIP OF,	
Authorized to issue debentures for \$32,000 to retire Belleville and North	
Hastings railway debentures .....	254
MADOC, VILLAGE OF,	
Authorized to borrow \$14,000 to pay present indebtedness .....	259

<b>MANHOOD SUFFRAGE REGISTRATION,</b>	<b>PAGE.</b>
oaths, as to previous place of residence .....	44
sittings of registrars in cities of less than 20,000 .....	49
<b>MANITOBA, PROVINCE OF,</b>	
interprovincial boundary line .....	7
<b>MANITOULIN, PROVISIONAL JUDICIAL, DISTRICT OF,</b>	
how constituted .....	57
appointments, when to be made .....	58
district judges, jurisdiction of .....	58, 59
sittings of courts .....	58
officers .....	59
jurisdiction in certain chamber matters .....	59
bills of sale and chattel mortgages .....	59
<b>MARKETS,</b>	
fees not to be charged on certain articles .....	111
<b>MARRIAGE,</b>	
confirmation of certain marriages solemnized by non-residents .....	48
<b>MATCHEDASH, TOWNSHIP OF,</b>	
town of Orillia authorized to carry power works through .....	284
<b>MATTAWA, TOWN OF,</b>	
debts consolidated at \$25,000 and debentures authorized .....	264
<b>MEAT AND MILK SUPPLIES,</b>	
suspension of certain provisions respecting .....	114
<b>MERRICKVILLE, VILLAGE OF,</b>	
authorized to apply to general purposes \$1,555.40 raised for unearned bonus to Kingston, S. F. and O. Ry. Co. ....	269
<b>MICHIGAN CENTRAL RAILWAY COMPANY,</b>	
by-law of town of Niagara Falls as to assessment confirmed .....	280
<b>MIDDLESEX, COUNTY OF,</b>	
agreement with city as to Victoria Hospital confirmed .....	246
representation on hospital board .....	247
<b>MIDLAND, TOWN OF,</b>	
bonus of \$50,000 to Canada Iron Furnace Co. ....	271
site of works of company to be annexed to .....	272
<b>MILCH COWS,</b>	
suspension of certain provisions as to inspection of .....	114
<b>MINES,</b>	
iron smelting fund payments out of .....	39
"bureau," use of prohibited .....	40
unsurveyed territory staking claims in .....	40
roads, right of crown to lay out .....	40
price and terms of purchase or rental of mining lands .....	41
machinery, removal of on expiry of lease .....	42
converting lease into a patent .....	42
claims,—renewal of license .....	42
conditions under which patent or lease may be obtained .....	42
working conditions .....	43
<b>MINTO, TOWNSHIP OF,</b>	
limits of town of Palmerston defined .....	316
<b>MORTGAGES,</b>	
registration,—notices of sale, discharges, etc. <i>See</i> <b>REGISTRY LAWS.</b> .....	62
<b>MUNICIPAL MATTERS,</b>	
investment of court funds in debentures .....	45
certain newspaper proprietors not disqualified from election to councils ..	49
school moneys,—apportionment of, by township councils .....	50
by-laws, registration of .....	64
reeves and deputy-reeves, amendments as to, consequent on abolition ..	96-100
county council division—readjustment or re-union of town with county ..	96
provisional county councils, how composed .....	96
income voters, qualification and oath .....	97
farmers' sons, qualification .....	97
oath .....	98
tenant voters, oath of .....	97
candidates resigning after nomination .....	99

MUNICIPAL MATTERS.—*Con.*

	PAGE.
ballot papers, form of .....	99, 100, 115
certificates as to voters' lists, etc. ....	99
number of votes to which electors entitled .....	99
directions to voters .....	100, 115
recount, returns by judge .....	100
taking votes in council, secret voting prohibited .....	100
warden, mode of electing .....	100
boards of control, by-laws for adoption of .....	101
not to apply to Hamilton .....	101
quashing by-laws, deposit in lieu of recognizance .....	101
who may move where another municipality affected .....	102
bridges, city by-laws for borrowing for .....	102
registration of by-laws .....	102
exemptions from taxation, by-laws for granting .....	103
pending negotiations not affected .....	103
current expenditure, borrowing for, removal of disqualification in certain cases .....	104
limit of amount .....	113
limitation of claims for land damages .....	104
boards of police commissioners, where to be constituted .....	104
direction as to granting licenses .....	104
junk shops, etc .....	111
revocation of licenses in certain cases .....	111
court houses, contribution from city or separated town .....	104
houses of industry, taking conveyances of property from inmates of .....	105
who may be committed to .....	106
fire limits, in unincorporated villages .....	106
gunpowder, explosives, etc., manufacture and storage .....	106
gas, electric light and waterworks, construction of .....	107
buying out companies, arbitration .....	107
contracts with companies, arbitration as to rates .....	108-110
market fees, certain articles to be free .....	111
junk shops and second-hand stores .....	111
tobacconists and eating houses .....	111
aid to live stock and fat stock shows .....	111
highways, notice of claim where more than one municipality liable for non repair .....	112
road allowances, sale to owners of adjoining lands .....	112
local improvements, compelling municipality to keep in repair .....	112
petitions for and against .....	112
permanent sidewalks, municipality's share .....	112
street railways, aid to .....	113
current expenditure, limit of borrowing power for .....	113
ferries, aid to .....	113
police villages, liquor license fund .....	113
constables, appointment of .....	114
cattle running at large .....	114
licensing billiard rooms, etc .....	114
tree planting .....	128
united townships in districts, withdrawal from union .....	114
Coffin, township of, named "Aberdeen" .....	114
Desert Lake, named "Gordon Lake" .....	114
meat and milk supplies, suspension of certain provisions .....	114
assessment and taxes. <i>See</i> ASSESSMENT .....	118
drainage. <i>See</i> DRAINAGE .....	124
free libraries. <i>See</i> PUBLIC LIBRARIES .....	127
health, borrowing for contagious diseases hospital .....	140
MUSKOKA, DISTRICT OF,	
registration of bills of sale and chattel mortgages in .....	50

## N.

NATURAL GAS COMPANIES,	
liability to provincial tax. <i>See</i> REVENUE .....	21
NEPICON RAILWAY COMPANY,	
incorporation .....	510
NEWMARKET, TOWN OF,	
by-law for purchasing lands of Office Specialty Co. confirmed .....	276
NEWSPAPERS,	
inserting <i>certain</i> advertisements not to disqualify proprietors from municipal office. ....	49
NICKEL RANGE RAILWAY COMPANY,	
incorporation .....	527
NIAGARA FALLS PARK COMMISSION,	
agreements with power companies .....	53
NIAGARA RIVER BRIDGE COMPANY,	
by-law of Niagara Falls as to assessment .....	280
NIAGARA FALLS, TOWN OF,	
by-law respecting assessment of Canada Southern Ry. et al confirmed...	280
NORTH LANARK RAILWAY COMPANY,	
incorporation .....	543
NORTHERN AND PACIFIC JUNCTION RAILWAY CO.,	
subsidy of \$7,500 granted in 1894 continued .....	93
NOTICE OF SALE UNDER MORTGAGE,	
registration of .....	63
NURSERYMEN,	
regulations as to San José scale .....	152

## O.

OFFICE SPECIALTY COMPANY, LIMITED,	
by-law of Newmarket for purchasing lands confirmed .....	276
ONTARIO, COUNTY OF,	
maintenance of Rouge bridge by .....	430
ONTARIO, BELMONT AND NORTHERN RAILWAY CO.,	
subsidy of \$3,200 per mile for seven miles .....	91
ONTARIO GOLD CONCESSIONS COMPANY,	
return of deposit of \$20,000 made by .....	50
ONTARIO HISTORICAL SOCIETY,	
incorporation .....	619
ONTARIO, HUDSON'S BAY AND WESTERN RAILWAY CO.,	
subsidy of \$2,000 per mile for 240 miles .....	90
land grant to .....	91
time for commencement and completion .....	559
wagon road from C. P. R. to Moose River .....	559
name of Sault Ste. Marie and Hudson's Bay Ry. changed to .....	660
agreement with Hudson's Bay and Yukon R. & N. Co. authorized .....	660
ONTARIO LAND SURVEYORS,	
students' fee on filing articles .....	48
ONTARIO AND RAINY RIVER RAILWAY CO.,	
subsidy of \$1,000 per mile for 205 miles and \$4,000 per mile for 75 miles.	91
subsidy granted in 1894 continued and transferred .....	94
ORILLIA, TOWN OF,	
authorized to acquire water power at Ragged Rapids and construct works	283
carrying works through other municipalities .....	284
by-law and debentures for \$75,000 authorized .....	284
ORILLIA, TOWNSHIP OF,	
by-law No. 664 respecting power works of Town of Orillia confirmed ....	284
OSGOODE BURIAL GROUND,	
trustees charging fees to lot-holders .....	653
OSHAWA, TOWN OF,	
by-law 460 for raising \$110,000 for sewers and waterworks confirmed ...	290
issue of debentures for \$110,000 for 40 years .....	291



	PAGE.
OTTAWA, CITY OF,	
running street cars on Sunday.....	295
hours of employment of employees.....	296
by-law No. 1717 to aid Ottawa and New York Ry. Co. confirmed.....	297
authorized to borrow \$30,000 for purposes of Lansdowne Park .....	297
OTTAWA AND NEW YORK RAILWAY CO.,	
by-law of City of Ottawa granting bonus confirmed and extension of time authorized .....	297
OWEN SOUND, TOWN OF,	
by-law to lend \$15,000 to rebuild Hay chair factory and agreement confirmed .....	309
power to borrow \$100,000 to take stock in smelting works .....	311
<b>P.</b>	
PALMERSTON, TOWN OF,	
limits of town defined.....	316
by-law and agreement to guarantee bonds of Pork Packing Co. confirmed .....	318
PALMERSTON PORK PACKING COMPANY, LIMITED,	
by-law of town and agreement to guarantee bonds confirmed.....	318
PARLOUR CAR COMPANIES,	
liability to Provincial tax. <i>See</i> REVENUE .....	21
PARRY SOUND, DISTRICT OF,	
registration of bills of sale and chattel mortgages in. ....	51
PERTH, TOWN OF,	
agreement with water works company confirmed.....	325
PETERBOROUGH, TOWN OF,	
by-laws in aid of Wm. Hamilton Mfg. Co. confirmed .....	334
water-power on Otonabee River, authority to develop .....	335
rebuilding bridge across Chemong Lake .....	336
PETROLEA, TOWN OF,	
authority to contract for supply of natural gas.....	337
PICKERING, TOWNSHIP OF,	
maintenance of portion of Kingston Road by.....	430
PLANS,	
registration of .....	64
PLANTAGENET, TOWNSHIP OF,	
drainage by-laws Nos. 255 and 288 of Caledonia confirmed.....	175
POLICE COMMISSIONERS,	
where boards to be constituted .....	104
licenses, powers as to.....	104, 111
POLICE VILLAGES,	
application of tree planting act to.....	128
liquor license fund in.....	113
appointment of constables .....	114
by-laws, cattle running at large .....	114
billiard rooms.....	114
exhibitions .....	114
tobacconists .....	114
fees for licenses, application of.....	114
POLL BOOK,	
loss of, examination of person losing.....	13
PORT ARTHUR, TOWN OF,	
by-law 510 respecting assessment for 1898 confirmed .....	339
rates of fare and track allowances on electric railway.....	340
by-law 527 to pay for electric light plant confirmed .....	340
limits of town defined.....	341
agreement with E. S. Jenison confirmed .....	669, 671
POWER OF ATTORNEY,	
when to be registered .....	63
POWER COMPANIES,	
contracts with, as to works at Niagara Falls.....	53
PRESCOTT, TOWN OF,	
by-law No. 467 to raise \$100,000 for waterworks and sewers confirmed ..	345
water commissioners, construction of sewers by.....	346

PRISON AND ASYLUM INSPECTION,	PAGE.
number of inspections of gaols, etc., to be made annually .....	162
PROTECTION FROM VEXATIOUS ACTIONS,	
sheriffs to have the benefit of.....	18
PROVINCIAL TAXES,	
<i>See</i> REVENUE.....	21
PROVISIONAL COUNTY COUNCILS,	
how composed .....	96
PUBLIC HEALTH,	
suspension of provisions as to inspection of milch cows, etc .....	114
borrowing funds for erection of contagious diseases hospital.....	140
PUBLIC LANDS,	
powers of heir, devisee and assignee, commission transferred to divisional court .....	
PUBLIC LIBRARIES,	
board of management, time for election of .....	127
disqualification of members for certain causes .....	127
debentures, municipal council may issue.....	127
PUBLIC SCHOOLS,	
newspaper proprietors, when not disqualified as trustees.....	49, 159
apportionment of school moneys by township councils .....	50
continuation classes, when to be formed .....	154
grouping schools for .....	154
qualification of pupils and teachers.....	155
apportionment of legislative grant .....	155
voters, clerk to supply lists of, to trustees .....	155
fences around school property .....	155
union school sections, reconsideration of awards .....	156
boundaries, alteration of not to affect union.....	156
nominations, resignation of candidates.....	156
wards, abolition of, election of trustees.....	156
arbitrations as to school sites .....	156
boards of examiners in counties .....	156
inspectors, appointment of assistants.....	157
school buildings, competitive plans for .....	157
agriculture, instruction in.....	157
commission to re-adjust boundaries in sparsely settled districts .....	158
debentures in unorganized townships.....	158
equalization of school assessments .....	159

## Q.

QUASHING BY-LAWS,	
deposit in lieu of recognizance by applicant .....	101
who may apply where another municipality affected .....	102
QUEEN VICTORIA NIAGARA FALLS PARK,	
agreements with power companies .....	53

## R.

RAILWAYS,	
liability to provincial tax. <i>See</i> REVENUE .....	21
incorporation of companies to operate elsewhere than in Ontario .....	49
taxation of costs on arbitration for lands taken .....	49
subsides in cash granted .....	90
Ontario, Hudson's Bay and Western .....	90
James' Bay .....	90
Haliburton, Whitney and Mattawa.....	90
Ontario and Rainy River .....	91
Central Ontario .....	91
Central Counties.....	91
Ontario, Belmont and Northern .....	91
land grants .....	91
Ontario, Hudson's Bay and Western .....	91
James' Bay .....	91

RAILWAYS.—*Con.*

	PAGE.
former subsidies renewed.....	93, 94
Northern and Pacific Junction.....	93
Ontario and Rainy River.....	94
electric cars, stopping at swing bridges.....	95
Algoma Central.....	436
Bruce Mines and Algoma.....	452
Canada Southern.....	280
Grand Trunk.....	407
Haliburton, Whitney and Mattawa.....	463
Hamilton, Ancaster and Brantford.....	484
Hamilton and Caledonia.....	478
Hamilton, Chedoke and Ancaster.....	484
Kingston, Smith's Falls and Ottawa.....	269
London Street Railway.....	487
Michigan Central.....	280
Nipigon Railway.....	510
Nickel Range.....	527
North Lanark.....	543
Ontario, Hudson's Bay and Western.....	559
Ottawa and New York Railway.....	297
Sault Ste. Marie and Hudson's Bay.....	559
Smith's Falls, Rideau and Southern.....	561
Thessalon and Grand Portage.....	564
Thunder Bay, Nipigon and St. Joe.....	572
Toronto, Lindsay and Pembroke.....	589
Worthington and Onaping.....	603

RAINY RIVER, PROVISIONAL JUDICIAL DISTRICT OF,

chamber matters in district court.....	59
district crown attorney.....	59

RAYMOND, MILDRED AND JOHN,

marriage settlement lost, trusts declared.....	684
--	-----

REAL PROPERTY LIMITATIONS,

computation of time in certain cases, correction of clerical error.....	48
---	----

RECOUNT,

when to be had, although majority exceeds fifty.....	13
at municipal election, returns by judge.....	100

REEVES,

abolition of office in towns, changes consequent thereon.....	96, 100
---	---------

REGISTRY LAWS,

general registry book, what to be used for.....	62
books, maps, etc., repair of.....	63
mortgages not registered in full, fee on.....	63
entry in abstract index.....	63
execution by attorney, registration of power.....	63
notice of sale, proof for registration.....	63
discharge of mortgage, certificate when given by other than mortgagee..	64
by-laws, registration of.....	64, 102
plans, registration of, when lands subdivided.....	64
mortgages registered prior to subdivision.....	65
abstract index, what to contain.....	65
registration of plan of unincorporated village lying in more than one	
township.....	65
expenses, how borne.....	65
plans of municipalities, what to be shown on.....	66
application for filing of new plans.....	66
Fees.....	66, 67
Indelible materials not to be used in making extracts, etc.....	66

RESTAURANTS,

revoking licenses granted to.....	111
-----------------------------------	-----

REVENUE,

interpretation.....	21
tax on banks and certain companies, etc., to supplement revenues.....	23

REVENUE.— <i>Con.</i>	PAGE.
special provisions, natural gas companies .....	27, 32
banks having head office out of province .....	27
insurance companies .....	31
municipal assessment of companies liable to tax .....	27, 29
local improvement taxes not affected .....	29
when tax payable .....	29
returns, to be made by companies liable .....	30
verification of .....	30
penalty for not making .....	30
enlarging time for making .....	31
collection of tax .....	31
injunction against natural gas companies on default .....	32
insolvency, tax to be a preferred claim .....	32
further information from companies, requisition by treasurer .....	32
commission of enquiry .....	32
costs of commission .....	32, 33
penalty for understatement .....	33
actions, how to be brought .....	33
forms .....	34
RIDER & KITCHENER, MESSRS.,	
agreement with Town of Lindsay confirmed .....	239
ROAD ALLOWANCES,	
sale to owners of adjoining lands .....	112
<b>S.</b>	
S. LUKE'S GENERAL HOSPITAL,	
founders .....	655
life governors .....	656
SAN JOSÉ SCALE,	
destruction of diseased plants on inspection .....	152
fumigation of plants before leaving nursery .....	152
sale before fumigation prohibited .....	153
infected nurseries, stock not to be removed without leave of minister .....	153
SARNIA, TOWN OF,	
power to borrow to meet outstanding debentures .....	350
by-laws 488 and 489, fixing assessments of Bushnell Co. and Salt Co., confirmed .....	352
SARNIA SALT COMPANY, LIMITED,	
by-law of town fixing assessment confirmed .....	352
SAULT STE. MARIE, TOWN OF,	
by-law No. 395, and agreement to settle accounts with Lake Superior Power Co., <i>et. al.</i> , confirmed .....	357
SAULT STE. MARIE AND HUDSON'S BAY RY. CO.,	
<i>See</i> ONTARIO, HUDSON'S BAY AND WESTERN .....	90, 559
SAULT STE. MARIE PULP AND PAPER CO.,	
agreement settling disputes with town as to taxes, etc., confirmed .....	357
SCHOOLS,	
certain newspaper proprietors, etc., not disqualified from election to boards .....	49
apportionment of invested funds by township councils .....	50
<i>See</i> PUBLIC SCHOOLS .....	154
SEPARATE SCHOOLS .....	160
SEAFORTH, TOWN OF,	
authorized to aid T. R. F. Case & Co., R. Bell, Jr., and W. D. Van Egmond .....	363
assent of electors required to bonuses .....	364
by-laws to be voted on separately .....	364
SECOND HAND STORES,	
by-laws for licensing, revocation of licenses .....	111
SECURITY FOR COSTS,	
accepting bonds of companies for .....	55



	PAGE.
<b>SEDUCTION,</b>	
who may maintain action for .....	56
<b>SEPARATE SCHOOLS,</b>	
certain newspaper proprietors not disqualified as trustees.....	49
organization in unsurveyed territory .....	160
election of trustees.....	160
share in legislative grant .....	160
collection of rates .....	161
<b>SHARES,</b>	
how exigible.....	19
<b>SHERIFFS,</b>	
sale of article valued at over \$100, otherwise exempt.....	18
may demand fees on delivery of writ of execution .....	18
protection from vexatious actions .....	18
attendance at courts in Toronto .....	19
provisions respecting payment of percentages on net income to Crown suspended.....	19
fees when acting under order of judge .....	19
deposit in lieu of bail from person arrested under civil process.....	19
taking shares and dividends in execution .....	19
seizure of equitable rights in chattels.....	19
expenses in carrying out capital sentences .....	20
distribution of estate when first execution followed by mortgage or sale..	47
paying claims for wages out of insolvent estates .....	68
<b>SHOP LICENSES,</b>	
fees payable to Province .....	135
<b>SIDEWALKS,</b>	
corporation providing 40 per cent. of permanent works.....	112
<b>SIMCOE, TOWN OF,</b>	
consolidation of debts, debentures for \$39,000 authorized.....	365
<b>SLEEPING CAR COMPANIES,</b>	
liability to Provincial tax. <i>See</i> REVENUE .....	21
<b>SMALLPOX HOSPITALS,</b>	
borrowing funds for erection of .....	140
<b>SMITH'S FALLS, TOWN OF,</b>	
debts consolidated and debentures for \$63,825 authorized.....	370
school debentures,—issue without assent of electors .....	373
permanent improvements,—debentures for \$50,000 authorized .....	374
corporation's share of local improvements.....	374
<b>SMITH'S FALLS, RIDEAU AND SOUTHERN RY. CO.,</b>	
location of line.....	561
motive power .....	562
elevated railways.....	562
application general provisions as to electric railways limited.....	562
time for commencement and completion .....	563
<b>SOUTHAMPTON, VILLAGE OF,</b>	
loan to Southampton Mfg. Co. legalized .....	376
<b>SOUTHAMPTON MANUFACTURING COMPANY,</b>	
loan from village of Southampton legalized .....	376
<b>STATUTE LABOUR,</b>	
return of defaulters in payment of commutation tax .....	120
<b>STATUTE LAW AMENDMENTS,</b>	
manhood suffrage registration, forms of oath .....	44
sittings of registrars in cities of less than 20,000 .....	49
voters' lists,—revision in districts.....	45
judicature—local masters appointment of more than one in any country.	45
when county judge may act for local master .....	45
moneys vested in accountant—held in trust for crown.....	45
investments of court funds in debentures .....	46
appeals to divisional court and Court of Appeal.....	46
local courts qualification of judges.....	46
second judge in Lambton .....	54

STATUTE LAW AMENDMENTS.— <i>Con.</i>	PAGE.
division courts,—affidavits not to be sworn before solicitors of parties . . .	46
substitutional service . . . . .	46
power to non-suit or dismiss action . . . . .	46
submitting questions to jury . . . . .	46
jury,—right to, in trying claims of third parties . . . . .	47
time for holding courts in districts . . . . .	48
jurors,—empanelling grand jury . . . . .	47
arbitration,—submission or reference not revoked by death . . . . .	47
executions,—rights of creditors where mortgage or sale intervenes . . . . .	47
unorganized territory,—when district judge to be a selector of jurors . . . . .	47
time for holding division courts . . . . .	48
real property limitation,—clerical error corrected . . . . .	48
marriages, confirmation of, when solemnized by non-residents . . . . .	48
land surveyors, fee of filing articles . . . . .	48
companies, restriction on penalty for not using word “limited” . . . . .	48
newspaper proprietors, not disqualified by certain dealings with councils and school boards . . . . .	49
railways taxation of costs of arbitration . . . . .	49
clerks of the peace, fees attending general sessions . . . . .	49
forest reserves,—surrender of cut over land for . . . . .	49
bills of sale and chattel mortgages,—filing in Bracebridge . . . . .	50
filing in Parry Sound . . . . .	51
Ontario Gold Concessions Co.,—return of deposit to . . . . .	50
school moneys,—apportionment of by township councils . . . . .	50
trustees,—investments in debentures of certain companies . . . . .	51
heir, devisee and assignee commission—transfer of powers to divisional court . . . . .	51, 52
Judges of Supreme Court,—allowance to . . . . .	51
agriculture and arts,—acquiring site for buildings etc.,—arbitration . . . . .	52
Canadian Niagara Power Co.,—surrender of certain powers of . . . . .	53
agreements with other companies . . . . .	53
anatomy,—appointment of general inspector . . . . .	53
returns by local inspectors . . . . .	54
STOCK SHOWS, by-laws for granting aid to . . . . .	111
STRATFORD, CITY OF, by-law No. 779 and agreement with Whyte Packing Co. confirmed . . . . .	384
STREET RAILWAYS, liability to provincial tax. <i>See</i> REVENUE . . . . .	21
petition to council for by-law granting aid to, etc. . . . .	113
STURGEON POINT, VILLAGE OF, incorporation . . . . .	395
SUCCESSION DUTY, recovery by action, procedure thereon . . . . .	36
appeals . . . . .	37
transfer of property before death, liability to duty . . . . .	37
registering caution against lands liable . . . . .	37
property of which decedent competent to dispose . . . . .	38
estates in dower or by the courtesy . . . . .	38
aggregate value, property out of Ontario . . . . .	38
foreign executors not to transfer stock until duty paid . . . . .	38
rate of interest to be adopted in determining value . . . . .	38
SUPPLIES, for civil government for 1899 . . . . .	1
SWING BRIDGES, stopping electric cars before crossing . . . . .	95
SURETIES, accepting bonds of companies as security for costs . . . . .	55
SYLVESTER RICHARD, by-law of Town of Lindsay, for loan of \$20,000 confirmed. . . . .	238

SYNOD OF THE DIOCESE OF TORONTO,	PAGE.
authorized to issue debentures for \$50 000 in Toronto Rectory Indow- ment .....	636
proceeds of debentures,—application to improvements.....	637
charging lands.....	638
sale of buildings acquired from lessees.....	638
canon as to settlement of differences confirmed .....	639
Bishop authorized to suspend or remove.....	639
enforcing order of Bishop.....	639
constitution of synod,—qualification of members.....	639

T.

TAGONA WATER AND LIGHT COMPANY, agreement with Town of Sault Ste. Marie confirmed.....	357
TARA, VILLAGE OF, by-law No. 152 to grant loan to Biette & Co.....	399
TAVERN LICENSES, fees payable to Province.....	135
payment of fees by instalments.. ..	136
TAXES, on certain companies etc. for Provincial purposes, <i>See</i> REVENUE.....	21
requisites of by-laws granting exemption.....	103
<i>See</i> ASSESSMENT.....	118
TELEGRAPH COMPANIES, liability to Provincial tax. <i>See</i> REVENUE .....	21
TELEPHONE COMPANIES, liability to Provincial tax. <i>See</i> REVENUE .....	21
TENANT VOTERS, form of oath at municipal elections.....	97
THESSALON AND GRAND PORTAGE RAILWAY COMPANY, incorporation .....	564
THUNDER BAY, NIPIGON AND ST. JOE RAILWAY COMPANY, incorporation .....	564
TOBACCONISTS, by-laws for granting licenses, revocation .....	111
in police villages.....	114
TORONTO, CITY OF, County of York authorized to pay their share for pavement on Adelaide Street .....	404
authorized to issue debentures for court house and other purposes without assent of electors .....	404
by-law 3,519, <i>re</i> Rosedale Valley Road. amended .....	406
Station Street, agreement with G. T. Ry. Co .....	407
isolation hospital, site for.....	407
certain by-laws confirmed.....	407
authorized to fix assessment of Toronto Hotel Company .....	407
chain ferry, power to construct.....	414
TORONTO, SYNOD OF, <i>See</i> SYNOD OF THE DIOCESE OF TORONTO .....	636
TORONTO, WESTERN HOSPITAL AT, <i>See</i> WESTERN HOSPITAL.....	657
TORONTO GENERAL TRUSTS CORPORATION, amalgamation of Toronto General Trusts Company and Trusts Corpora- tion of Ontario .....	623
TORONTO HOTEL COMPANY, incorporation .....	631
city authorized to fix assessment of.....	407
TORONTO JUNCTION, TOWN OF, agreement for transfer of Dundas Street to .....	435
TORONTO, LINDSAY AND PEMBROKE RY. CO., incorporation .....	589
TORONTO RECTORY ENDOWMENT, <i>See</i> SYNOD OF THE DIOCESE OF TORONTO .....	636

<b>TOWNSHIPS,</b>	PAGE.
withdrawal from union municipality in districts .....	114
<b>TREE PLANTING,</b>	
in police villages .....	128
<b>TRUST COMPANIES,</b>	
liability to Provincial tax. <i>See</i> REVENUE .....	21
<b>TRUSTEES,</b>	
investments in debentures of loan companies, etc .....	51
relief for committing technical breach of trust .....	60
powers of executors, etc., as to settling claims .....	61
payment into court by persons holding trust moneys for .....	61
<b>TRUSTS CORPORATION OF ONTARIO,</b>	
amalgamation with Toronto General Trusts Company .....	623

## U.

<b>UNINCORPORATED VILLAGES,</b>	
registration of plans of .....	65
fire limits in .....	106
<b>UNION MUNICIPALITIES IN DISTRICTS,</b>	
separation of townships from .....	114
<b>UNION SCHOOL SECTIONS,</b>	
reconsideration of awards .....	156
alteration in school boundaries, effect of .....	156
equalization of assessments .....	159
<b>UNORGANIZED TERRITORY,</b>	
suspension of provisions as to voters' lists in .....	12
district judge, to revise voters' lists where there is no stipendiary magis-	
trate .....	44
when to be a selector of jurors .....	47
division courts, time for holding .....	48
bills of sale and chattel mortgages, place for filing, in Muskoka .....	50
in Parry Sound .....	51
Manitoulin,—constituted a provisional judicial district .....	57
judges,—jurisdiction in Manitoulin and Algoma .....	58, 59
repeal of certain effete provisions as to Manitoulin and Rainy River ....	59
withdrawal of township from union municipality .....	114
triennial assessments in .....	123

## V.

<b>VAN EGMOND,</b>	
bonus from town of Seaforth .....	364
<b>VEXATIOUS ACTIONS,</b>	
protection of sheriffs .....	18
<b>VICTORIA HOSPITAL, LONDON,</b>	
agreement between city and county as to .....	246
representation on board .....	246, 247
city authorized to borrow \$10,000 to complete buildings .....	248
<b>VILLAGES,</b>	
registration of plans of unincorporated villages .....	65
fire limits in unincorporated villages .....	106
police villages. <i>See</i> POLICE VILLAGES .....	113, 128
<b>VOTERS' LISTS,</b>	
in cities where roll not returnable until 30th September .....	9
list to be made up on return of roll .....	9
revision .....	9
notice of complaints .....	10
correction of lists after revision .....	10
sending lists to county councillors .....	10
in cities, where roll made up by wards .....	10
posting and distributing .....	10
notice of court for hearing complaints .....	10
revision, when to be completed .....	11
certifying when no complaint made .....	11



VOTERS' LISTS.—*Con.*

	PAGE.
procedure after determining complaints.....	11
lists to form together the list for whole city.....	11
unorganized territory, suspension of provisions relating to .....	12
revision by district judge where no stipendiary magistrate .....	44
clerks' certificate for use at municipal elections.....	99

## W.

## WAGES,

payment of, on distribution of estates .....	68
protection of assignee or administrator .....	69
lienholders joining in action.....	69

## WARDEN,

election of by county council .....	100
-------------------------------------	-----

## WARDS,

abolition of, election of school trustees thereafter .....	156
--	-----

## WATER WORKS,

by-laws for establishing, etc. <i>See</i> GAS, ELECTRIC LIGHT AND WATER WORKS. 107-110	
--	--

## WELLAND, TOWN OF,

by-law No. 109 to borrow \$1,616 to complete sewer confirmed.....	415
---	-----

## WESTERN HOSPITAL OF TORONTO,

incorporation .....	657
---------------------	-----

## WHITBY, TOWN OF,

authorized to borrow \$10,000 to loan King Bros. Co .....	423
---	-----

## WINCHESTER, VILLAGE OF,

authorized to borrow \$10,000 to aid pork-packing establishment.....	427
--	-----

## WHOLESALE LICENSES,

fees payable to Province .....	135
--------------------------------	-----

## WHYTE PACKING CO,

by-law of city of Stratford confirmed .....	384
---	-----

## WORTHINGTON AND ONAPING RAILWAY Co.,

incorporation .....	603
---------------------	-----

## WORKMEN'S COMPENSATION FOR INJURIES,

burden of proof as to compliance with statutory requirements.....	70
arbitration to settle claims for damages.....	71
venue for proceedings .....	71
application to county judge .....	71
notice of arbitration .....	72
notice of objection to arbitration.....	72
when judge may direct proceedings by action .....	72
extension of time for commencing action .....	72
application by defendant for arbitration.....	72
commencement of proceedings, what to be deemed.....	73
notice of injury not dispensed with.....	73
procedure on arbitration.....	73
respondent may expedite .....	73
stay of proceedings by arbitration where action ordered .....	73
statement of defence .....	73
when judge of county court cannot act .....	74
pleadings, limitation as to: .....	74
witnesses and evidence .....	74
shorthand writers, employment of, costs .....	74
reference as to questions of law .....	74
costs .....	75
award, effect of .....	75
agreements as to amount of compensation.....	75
duties of judges and officers.....	75
appeals .....	75
rules .....	76
amount recoverable .....	76
option as to arbitration.....	76
forms.....	76

## Y.

YORK, COUNTY OF,	PAGE.
authorized to pay share of cost of Adelaide st. pavement .....	404
by-law 740 for abandonment of portion of Kingston road confirmed ....	429
Rouge bridge,—maintenance of .....	430
tolls abolished .....	430
settlement of certain tax arrears with township of York .....	433
YORK, TOWNSHIP OF,	
appointment of clerk as assessment commissioner .....	432
notice to persons in arrears for taxes,—treasurer to give .....	432
by-laws as to coasting,—cattle, etc., on sidewalks, extending time for tax sales .....	433
school-debentures to retire those outstanding .....	433
borrowing for current expenditure .....	433
statement to be furnished by county treasurer as to arrears .....	433
assuming outstanding debentures on non-resident land fund .....	433
audit of county books as to arrears .....	434
arbitration to settle differences with county .....	434
sale of lands for taxes by township treasurer .....	435
application of school fund moneys .....	435
agreement with Toronto Junction as to transfer of portion of Dundas street .....	435
YOUNG MEN'S CHRISTIAN ASSOCIATION, LONDON,	
incorporation .....	650
exemption from taxation .....	652
YOUNG WOMEN'S CHRISTIAN ASSOCIATION AND TECHNICAL IN- STITUTE, HAMILTON,	
change of name of Hamilton Y. W. C. A .....	647
lands, acquiring and holding, etc. ....	648
technical education .....	648
by-laws and regulations .....	648
negotiable instruments .....	649

## Z.

ZIELINSKI, JACOB,	
authorized to practice the eclectic system of medicine .....	688







(BINDING SECT. JUL 14 1967

PLEASE DO NOT REMOVE  
CARDS OR SLIPS FROM THIS POCKET

---

UNIVERSITY OF TORONTO LIBRARY

---





3 1761 11548538 5